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JORDAN RULE OF LAW PROGRAM

**14TH QUARTERLY REPORT
JANUARY – MARCH 2012**

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ACRONYMS

ACJLS	Arab Center for Judicial and Legal Studies
AU	Administrative Units
CAP	Court Administrators Program
CBO	Community Based Organization
CSP	Civil Society Program
CSS	Client Support Specialist
DMS	Document Management System
FI	First Instance Court
FJP	Future Judges Program
FTS	File Tracking System
ITD	Information Technology Development
JC	Judicial Council
JIJ	Judicial Institute of Jordan
JOB	Jordanian Ombudsman Bureau
MIZAN	Automated case file management system tailor-made for Jordan courts and supporting departments. MIZAN V2 is the enhanced automated version of MIZAN V1; it will replace MIZAN V1 in all national courts of Jordan.
MOJ	Ministry of Justice
ROLP	Rule of Law Project
TO	Cassation Court Technical Office
VPN	Virtual Private Network

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EXECUTIVE SUMMARY

The ROLP team and the Administrative Units of the Judicial Council completed and submitted the final draft of the Judicial Authority's Strategic Plan 2012-2014 (Judicial Strategy). HM King Abdullah II met with the Chief Justice and officially endorsed the Strategy. The Strategy evolved as an outcome of the Kingdom's social, economic and democratic development and details six essential pillars for developing the judiciary. Jordan's climate of reform provides an environment conducive to enhance the stature, independence, and unity of the judiciary, hence, enabling it to fulfill its mission and to protect the rights of citizens. The King emphasized the importance of meeting the needs of the judiciary to ensure the continuation of the judiciary's "outstanding" performance and remain a model for integrity and efficiency in the region.

ROLP worked with the Office of the Chief Justice to help produce the JC 2011 Annual Report. This report was structured on the six pillars as outlined in the Judicial Strategy 2012-2014. In addition to highlighting 2011 judicial achievements, it was carefully prepared to provide a summary of activities to include a full statistical analysis of courts' workload and projections, an analysis of caseloads, projects, and programs for the coming year. In order to maintain sustainability and build the capacity of the Administrative Units, ROLP is working to develop a database for the AU to provide a user-friendly tool for generating accurate court statistics for future reporting.

Significant progress has been made in the areas of Prosecution and Constitutional Court support. Specialists in both fields conducted thorough research and shared international best practices with focus groups and workshops with pertinent stakeholders.

Career prosecutor and consultant Paul Scoggin studied of the needs of the prosecution service in Jordan, meeting with the four Attorneys General of Jordan and interviewing prosecutors of all levels at a sampling of eight public prosecution offices throughout the Kingdom. From the outcomes of three prosecution workshops, Mr. Scoggin developed a draft Prosecution Improvement Plan (PIP) which was sent to the JC and Chief Justice for review. The final PIP will serve as ROLP's substantive guide to prosecution improvement activities for the balance of the project. Mr. Scoggin also submitted a detailed report outlining recommendations which included training and legislative proposals to address the tenure and structure of the prosecutors and relationships with the police. ROLP efforts in support of the Jordanian prosecution service will be coordinated with the soon-to-be-launched European Union-funded activities with the Jordanian prosecutors.

Judge Robert Carolan, an American judge with significant international experience and currently sitting on the Constitutional Court of Kosovo, joined ROLP to consult on supporting the development of a Constitutional Court in Jordan. He met with government officials, including the Minister of Justice, Minister of State for Prime Ministry Affairs and Legislation, the head of the Legislation and Opinion Bureau, and the Chief Justice. He submitted a report on his consultancy and conducted follow-up research on a number of questions posed by the Minister of State for Prime Ministry Affairs and Legislation.

OBJECTIVE 1: PROMOTE AN INDEPENDENT AND EMPOWERED JUDICIARY WHILE INCREASING ITS TRANSPARENCY AND ACCOUNTABILITY

Develop Capacity in Judicial Council

Judicial Council Annual Report

Pursuant to the project work and in coordination with the office of the Chief Justice, ROLP assisted the

AU in drafting the 2011 Judicial Council Annual Report. The report was circulated to members of the JC for comments and approved by the Chief Justice before final printing. 2000 copies were printed and delivered to the office of the Chief Justice for distribution throughout the judiciary. In accordance with the law, the report will be hand delivered to the King by the Chief Justice.¹

The Report was structured on the six pillars as outlined in the Judicial Strategy 2012-2014. In addition to highlighting 2011 judicial achievements, the report was carefully prepared to provide a summary of activities to include a full statistical analysis of courts' workload and projections, an analysis of caseloads, projects, and programs for the coming year. In order to maintain sustainability and build the capacity of the Administrative Units, ROLP is working to develop a database for the AU to provide a user-friendly tool for generating accurate court statistics for future reporting.

Communication and Media Department

With the help and coordination of ROLP, the AU Media staff developed and completed a final version of the JC website. This will be used to guarantee more participation from judges and the public. Upon the approval of the Chief Justice, the website will be officially launched. The Communication and Media Unit submitted a draft strategy to the Administrative Unit (AU) and is awaiting suggestions/remarks. The production of the second issue of the JC newsletter is ongoing.

Strategic Planning Unit

The ROLP team and the Administrative Units finalized and submitted the final draft of the Judicial Authority's Strategic Plan 2012-2014². In a meeting on 7 February, HM King Abdullah II met with the Chief Justice and officially endorsed the Strategy. The Strategy is an outcome of the Kingdom's social, economic and democratic development and details six essential pillars for developing the judiciary. Jordan's climate of reform provides an environment conducive to enhance the stature, independence, and unity of the judiciary, hence, enabling it to fulfill its mission and to protect the rights of citizens. The King emphasized the importance of meeting the needs of the judiciary to ensure the continuation of the judiciary's "outstanding" performance and remain a model for integrity and efficiency in the region.



2500 copies were printed and delivered to the AU. The Strategic Plan was distributed to all judges, courts and other members of the legal community through close cooperation and coordination with the AU staff. The Arabic version is set to be posted on the Judicial Council website and an English translation has been finalized for web-based and hard copy distribution.

HM King Abdullah meets with the Chief Justice Mohammed Al Mahameed to discuss the 2012-2014 Judicial Authority Strategy.

Operational plans for 2012 have been developed and submitted to the Chief Justice. The plans were developed in the forms of strategic programs.

Training and Specialization Unit

On 19 February, within the Judicial Strategy and through the AU Training and Specialization Unit, ROLP assisted the AU Training and Specialization department in conducting a workshop to initiate

¹ The 2011 JC Annual Report is awaiting translation in English and will be included in the Appendix of ROLP's 15th Quarterly Report

² Judicial Authority Strategy 2012-2014 included in attached Appendix.

the process of developing an annual continual training plan for the Judiciary. Participants included approximately 80 senior judges from the Judicial Council, Court of Cassation, Chief Judges, Judicial Training Institute, Inspection Department and Public Prosecutors. The workshop focused on topics prioritized by the judges through a questionnaire and through workshop suggestions³.

The first draft of the 2012 Judicial Continual Training Plan is finalized with the AU judges; the plan includes training subjects based on the judges needs and was structured to meet all the needs for all court levels, public prosecution and other judicial departments. The Training Plan was submitted to the Chief Justice for approval and is awaiting implementation and funding from the JIJ and MOJ.

Pursuant to the request of the Director of the Training and Specialization Unit, Judge Nashat Alakhras, the JC Administrative Units, in cooperation with ROLP, supported judicial training on 24-25 March in Aqaba (additional training will be on 14-15 April in Amman) for developmental workshops entitled Criminal Procedures Workshop. This topic of alternative penalties is considered a priority of the Secretariat of the JC and the AU. Participants included judges from the South courts, specialized in misdemeanor and felony criminal cases, as well as invited individuals from the EU project working with incarceration issues, as this topic was of particular interest to them. The purpose of this workshop was to consider and debate the proposed set of legal articles to be added to the Criminal Procedure Code relating to alternative penalties to penalties of deprivation of liberty and gather the judges' opinions, suggestions and comments concerning these modernized legal articles, the technicalities of issuing decisions associated with them, and issues pertaining to execution of judgments.

Legislative Amendments and Unification of Court Procedures

Within the Judicial Strategy and His Majesty's orientation of the judiciary to guarantee speedy trials and reduce the case delay, eight workshops were conducted to help finalize drafts of three major laws.⁴ Four one-day workshops were held for 25 participants per workshop in Aqaba from January 14-17. The same workshops were also held in Amman from 28-31 January. Workshop topics included: Enforcement Law; Criminal Procedure Law; Civil Procedure Law; and a Discussion of Solutions with regards to Case Delay.

Approximately 175 judges and staff participated from all the courts of the Kingdom. Important suggestions were made to address case delay through a mix of legislative amendments and administrative procedures. The expected results are new amendments to the three laws and instructions from the Chief Justice to unify court procedures. ROLP plans to help create a manual of court procedures.

At one workshop, the topic of Prosecutors having the power to withhold a case was debated. After lively discussion, the judges supported a suggested amendment that gives Prosecutors the power to use their own discretion as to if there is sufficient case evidence to proceed to trial. The AU judges and staff are working on amending the three laws which will be submitted to the Chief Justice.

The draft of the Judicial Independence Law and the Administrative Courts Law were sent to Parliament. ROLP is ready to support/lobby for this legislation to be passed in a timely manner. The King looks upon these laws as urgent and is supporting efforts in the government to have these laws enacted.

³ Training Needs Assessment Workshop Summary included in attached Appendix.

⁴ Litigation Procedures and Case Delay Workshop Report included in attached Appendix.

Constitutional Court Support

ROLP met with the Minister of Justice, His Excellency Ayman Odeh, and the Minister of Legal Affairs, His Excellency Al Jazy, on 10 January, to identify how ROLP could help support the efforts to create a Constitutional Court. The result of meeting was the government's request for ROLP's assistance in providing technical expertise in developing legislation for the Constitutional Court. The Constitutional Court is mandated by a recent constitutional amendment.

The Minister proposed studying models and speaking with experts from Egypt, Kosovo, South Africa, Morocco, and Lebanon. ROLP is assisting the procurement of the regional and international Constitutional Court expertise. The experts will be brought in separately and asked to present their models/experience with Constitutional Courts to both the Ministers and ROLP to study what will best work here in Jordan. The ministers also asked ROLP to provide technical assistance by helping with organizational charts, procedures, automation, training for the clerks of court, job descriptions, and issuing the draft law. The French Government has also been providing expertise to the Jordanian Authorities in the Constitutional Court effort.

During the last week of February, Judge Robert Carolan, an American judge with significant international experience and who is currently sitting on the Constitutional Court of Kosovo, joined ROLP to consult on supporting the development of a Constitutional Court in Jordan. He met with government officials, including the Minister of Justice, Minister of State for Prime Ministry Affairs and Legislation, the head of the Legislation and Opinion Bureau, and the Chief Justice. He also met several times with a consultant from the Max-Plank Institute of Comparative Law and Public International Law who was assisting Minister Odeh on drafting the law.

On 28 February, in a roundtable discussion hosted by the National Democratic Institute, Judge Carolan met with 19 relevant Parliamentarians and civil society members interested in the Constitutional Court issue. He submitted a report on his consultancy and conducted follow-up research on a number of questions posed by the Minister of State for Prime Ministry Affairs and Legislation⁵. The purpose of the discussion was to provide advice and consultation to legislators drafting the Constitutional Court draft bill which is now mandated by recent constitutional amendments (Article 58-61). This came in light of prioritizing the formation of the Constitutional Court as the backbone of national political reform in the country. Parliamentarians expressed their interest in holding a follow-up consultation, especially for the Legal Affairs Committee members, as they discuss the tabled draft bill of the Constitutional Court.

All reports from Judge Carolan were sent to Minister Odeh and have been submitted for translation into Arabic.

Prosecution Improvement Plan

Career prosecutor and consultant Paul Scoggin arrived on 30 January for a two week consultancy. As part of his study of the needs of the prosecutor body in Jordan, he met with the four Attorneys General of Jordan and visited/interviewed prosecutors of all levels at a sampling of public prosecution offices throughout the Kingdom.

Mr. Scoggin was a part of three prosecution workshops, each attended by 30 prosecutors and moderated by an Attorney General. Prior to his arrival, a questionnaire was developed by ROLP and circulated to Jordanian prosecutors throughout the Kingdom in an effort to provoke thought and

⁵ Judge Carolan's Constitutional Court Reports are all included in attached Appendix.

generate a basis for discussion at the workshops. Results of 70 surveys were collected and summarized for Mr. Scoggin's review. From the outcomes of these workshops, Mr. Scoggin developed a draft Prosecution Improvement Plan (PIP) which was sent to the JC and Chief Justice for review. The final PIP will serve as ROLP's substantive guide to prosecution improvement activities for the balance of the project. Mr. Scoggin also submitted a detailed report outlining recommendations which included training and legislative proposals to address the tenure and structure of the prosecutors and relationships with the police.⁶ All documents have been translated into Arabic and have been provided to the Judicial Council, Prosecutor General, and donors for inputs, modification and final approval. Once the changes have been made, ROLP will work to support its implementation.

ROLP's COP had a document of Prosecutorial Independence and Accountability, used as an international standard, translated into Arabic, to be distributed along with Mr. Scoggin's proposed Prosecution Improvement Plan.

Transfer of Inspections Unit

Diala Khamra has been working on the issue of Judicial Inspections. As of now, judicial promotions are not merit-based; they are merely based on seniority. Based on the legislative reforms, judges wish to have their basis of evaluation revised. Ms. Khamra is looking for an international expert to evaluate and support the establishment of standards of performance rating for the judges. Actual transfer of the Judicial Inspection Unit is pending two key developments: (1) Passage of the Judicial Authority Law pending before Parliament which would empower the Judicial Council to assume control of the Judicial Inspections and issue new regulation regarding its operations; and (2) Some personnel changes within the Unit.

Judicial Studies Diploma Program

Assisting the MOJ to encourage the best and brightest students to study law and select a career path to become judges, ROLP provides significant logistical and administrative support to the Judicial Institute Judicial Studies Diploma Program.

Future Judges Program (FJP)

The FJP Unit helps to select and train future judges who embrace the ideals of judicial integrity, independence, and accountability.

This past quarter, the FJP Unit continued to manage and administer the affairs of the program students and provide them with all needed assistance through ROLP academic advisors and support staff. All FJP students are enrolled in either English or French language classes and participate in field visits to ministries, civil society organizations, the stock market, banks, and hospitals, in order to understand how such institutions operate. The total number of FJP students reached 188; 107 are female and 18 were enrolled in the Judicial Studies Diploma Program at JIJ and completed their Masters degrees in the US or UK.

In His Majesty King Abdullah II's letter to the newly appointed Chief Justice on 29 September, published in all media outlets, he stressed the importance of the FJP and its vital role of providing the Judiciary with well-trained and competent judges.

⁶ Prosecution Needs Assessment Workshop Report, Questionnaire Results, Training Recommendations, and Mr. Scoggin's final report are all included in the attached Appendix.

OBJECTIVE 2: EXPAND ACCESS TO JUSTICE, RULE OF LAW AND PUBLIC AWARENESS OF THE RULE OF LAW

Grants

In line with ROLP's objective of expanding access to justice and public awareness of the rule of law, ROLP offered small grants to civil society organizations whose programs increase public awareness of the rule of law. An area of opportunity has been identified for civil society organizations to help the Administrative Unit's Communication and Media Department implement the Judicial Strategy.

The Journalist Protection Center presented a concept paper for ROLP in which the focus of their proposed activities would be guided by the Pillar 5 goals and objective #4 (*Activate and Develop Relations with the Media*) set forth in the recently adopted Judicial Authority Strategy 2012-2014. The Journalist Protection Center was named in the original Technical Proposal for ROLP's two option years. ROLP is finalizing this activity to start in the next quarter.

Public Perception Survey

Diala Khamra will be working on the Public Perception Survey that measures citizens' opinions on the judiciary. As a starting point, she will use previous ROLP public opinion surveys to identify which items need to be incorporated into the survey, polish it, and make it shorter and easier for the public to complete.

OBJECTIVE 3: ENHANCE JUDICIAL PERFORMANCE TO REDUCE DELAYS AND INCREASE PUBLIC CONFIDENCE

Develop Capacity in the Court of Cassation Technical Office

ROLP continued supporting the Cassation Court Technical Office (TO) by providing needed logistical support and assuring the MOJ provides adequate staffing to fulfill the TO's needs. All TO judges and researchers use AL QUSTAS, a comprehensive Jordanian/Arab legal database which was provided by ROLP.

The TO judges and researchers offer legal opinion, research, and studies to court panels. Although panels were initially reluctant to ask for help, TO judges and researchers are now overwhelmed with requests for research and legal opinion. The TO's research plays an important role in advancing Jordanian jurisprudence, essential in unifying judgments and assuring that the quality of judgments meet the highest standards.

Computerization

IT work has been completed in the Judge's Affairs Unit. The work completed under the initial contract provided a data base and retrieval for all personnel related matters of current sitting judges. Any further IT work with the Judge's Affairs Unit awaits specific USAID directions.

Web Portal

A web portal on the MOJ website was created and published on the internet by eStarta, a software solutions development company and subcontractor to ROLP. This allows the public to access information about cases and court hearing schedules from the MIZAN system (similar to that available on the in-court kiosks) from the MOJ web portal. As a result of awareness building efforts,

the MOJ web portal now receives thousands of information requests weekly from the MOJ website. Since its launch to the public in October 2010, high-volume portal usage has shown nearly twenty thousand requests per week, with a high of nearly 28,500 requests in a one week period. This heavy usage emphasizes the importance of accurate and timely data entry by court staff into the MIZAN system.

The web portal provides secure access to court information from the internet and contains two main features:

Public site

This site can be accessed by the public through the MOJ website to inquire about case status, the date for scheduled hearings, minutes and judgment summary. This inquiry is made possible by entering the case number and court name.

Attorney site

The MOJ application for attorneys, available from the MOJ website, has continued to show a steady, high frequency of users since it became available last June. This site is limited to attorneys. They can access the site with a secure username and password in order to inquire about their cases at courts either by case number or registration date for cases at courts. This provides attorneys a convenient way to access case status, hearing schedule, and judgment summary. Additionally, attorneys are able to print documentation for their specific cases and weekly court calendars via the internet. Inquiries via the web are now up to three times more frequent than courthouse kiosk inquiries.

WINDOWS OF OPPORTUNITY

EU Justice Reform Project

In close coordination with USAID, ROLP continued working throughout the quarter to plan specific activities and technical approaches to implement new activities and maximize current windows of opportunity to accelerate justice sector reform. There is a clear need for fundamental policy and structural reforms to institutionalize the independence, accountability, integrity, competence, and fairness of the judicial system. The issues of greatest concern in Jordan's legal system include: the lack of institutional independence and accountability; inadequate institutional capacity and competence; and insufficient access to timely and nondiscriminatory justice, including a lack of affordable legal representation.

ROLP's COP and DCOP have been meeting with Mr. Ian Lankshear, British project head of the EU Criminal Justice Reform Project, and his justice expert, Mr. Jim Fitzpatrick, who prepared a work plan for a criminal justice reform project within the Ministry of Justice, funded by the EU. Their project is focused on: Prosecution, the responsibility of the Penitentiary (being run by a Correctional Service as opposed to the police), and Alternatives to Incarceration. To avoid overlap and duplication, ROLP and the EU/UK reform project agreed to proactively coordinate planning and program implementation in order to assure that all efforts are complimentary.

Legislative and Opinion Bureau (LOB)

Pursuant to ROLP's plan to help build the administrative capacity of the LOB, ROLP and Muna Hakooz, a contracted consultant, reviewed all legislation governing the LOB. A benchmarking study of the Bureau was made, best practices were identified and a proposed organizational structure and detailed functional analysis were prepared and revised, incorporating final comments from LOB's

president and secretary general into the organizational structure.

The final version of the organizational structure and first draft of the job descriptions were finalized and submitted to LOB. Additionally, the Registry Standard Operational Procedure, prepared by Mr. Mohammed Amawi, the short-term business process reengineering expert, was completed to streamline the incoming and outgoing correspondence registry. A final report with regards to the LOB website redesigning project, prepared by ROLP, was also submitted.

The LOB formed a special committee to review the deliverables and ensure their consistency with the process map. The committee met with Mr. Amawi to clarify points pertaining to organizational structure. The president of the LOB met with Ms. Hakooz to assist him with the LOB website which was being developed by another project. ROLP IT personnel were asked for their opinion of the website development which was found to be sufficient under the contract.

Planned activities for the next phase of the project involve conducting interviews with all LOB employees to identify competency gaps and surplus/shortages of employees; begin the recruiting of an HR officer, legal researcher(s), IT officers and administrative candidates; establish a detailed plan for staffing instructions; contribute to implementing the staffing process; and finalize the registry streamlining process to verify the process and train the concerned staff.

The Judicial Authority Law is still in LOB. ROLP suggested having an event for Government MPs to meet with members of the Judiciary to discuss the pending legislation with the hopes of advancing the legislation through parliament more quickly.

Women's Day Event

ROLP assisted the Judicial Council in planning a luncheon to recognize and honor Jordan's 108 female judges on 8 March. The JC hosted the event under the patronage of the Chief Justice and in celebration of International Women's Day. The occasion recognized the importance of the contribution of women judges in upholding justice and highlighted their enhanced and expanded leadership role within the judiciary. ROLP coordinated the logistics of the event, including agenda, fact sheet, press release, plaques, and talking points with USAID and the Judicial Council. This activity directly supported the programs outlined in the implementation plan of the recently adopted Judicial Authority Strategy 2012-2014 and is the first event held to pay tribute to female judges in Jordan.



Judge Taghreed Hikmat, the first female appointed Judge in Jordan, addresses her 107 female counterparts, the Chief Justice, Mission Director of USAID, and distinguished guests.

PROJECT PLANNING, MONITORING, AND REPORTING

Year 4 Work Plan

ROLP's work plan for Year 4 was approved, except for the grant component. Tt DPK Consultant, Bill Davis arrived as a short-term consultant on 17 January and immediately joined ROLP members

in reviewing and fine-tuning project programming for the coming year.⁷ Additionally, Tt DPK Home Office personnel Christopher Thompson and Rebecca Silva arrived to provide on-site administrative and technical management support to the Project.

In February, USAID asked ROLP to amend the work plan to include the establishment of a Technical Office for the Court of Appeals. In order for ROLP to proceed with this activity, the Judicial Council must be ready and prepared to make a commitment for the resources (office space) and manpower to support this newly-proposed Technical Office for the Amman Court of Appeals.

ROLP Personnel Changes

Diala Khamra rejoined ROLP as a full-time Grant Advisor and Legislative Bureau Component Leader. Ms. Khamra was ROLP's former Deputy Chief of Party for five years.

Amin Al-Khawaja transferred positions from office receptionist to perform administrative duties with the Legal Team.

Sarah Baraqawi began working in January as ROLP's new receptionist/administrative assistant. Lamees Helou began working as ROLP's Legal Research & Development Specialist, working with issues related to the Prosecution Service activities, Constitutional Court support, and to assist in technical and legal translations to/from English/Arabic.

Suhaib Jaber, ROLP's IT Manager, left ROLP in early March. He agreed to a short-term consultancy contract to plan work distribution and ensure smooth transitioning in all matters related to ROLP's IT component.

ROLP is actively recruiting for the following positions to provide assistance on the new project scope of work: Administrative Assistant/Legal Aid, Legal Specialist, Institutional Development Specialist, Grants Assistant, and Receptionist/Administrative Assistant.



Judge Mohammad Shamoot (center left) with other judges working at the Technical Office of the Cassation Court.

Two volunteers began with ROLP. Both are legal graduates, one working with administrative and finance and the other with the legal team. USAID agreed to expand the allotted \$10,000/year for the volunteer budget. An approved daily salary has been approved of JD 15/volunteer.

Reporting

Christopher Thompson worked with all ROLP component leaders to summarize ROLP's Performance Indicators for ROLP's Year 4. He created a PMEP that makes reporting clear, efficient and understandable to the ROLP team, USAID and the Home Office. The final version of the PMEP was sent to USAID on 14 February. PMEP information will be submitted as an addendum to every Quarterly Report.

⁷ Bill Davis Consultant Report included in attached Appendix.

Project Portfolio Review

On 23 January, ROLP had a Project Portfolio Review, conducted by Todd Sorenson, a Senior Advisor from USAID (Washington, D.C.). The review included meeting personnel, touring the office, and learning the history, dynamics, and goals of the project in Jordan. During Mr. Sorenson's visit, he also attended court meetings with the Chief Justice and toured the court with Judge Jamallieh.

APPENDIX

- A. Judicial Independence Law Workshop (21-22 December)**
- B. Bill Davis Consultant Report**
- C. JA Strategy 2012-2014**
- D. Litigation Procedures and Case Delay Workshops (14-17 January)**
- E. Prosecution**
 - a. Needs Assessment Workshops**
 - 1. Questionnaire Results**
 - 2. Workshop Summary**
 - 3. Training Recommendations**
 - b. Enhancing Prosecution in Jordan (Scoggin Report)**
- F. Constitutional Court Consultant's Reports**
 - a. Exit/Activities Report**
 - b. Review and Commentary**
 - c. Issues Raised by Minister Odeh**
 - d. Grid-Survey- Constitutional Courts**
 - e. Addendum to Review and Commentary**
 - f. Draft Law extracts with track changes and commentary**
 - g. Notes: Roundtable Discussion with Members of Parliament and Civil Society Organizations- 28 February**
 - 1. NDI Report to USAID**
- G. Training Needs Assessment Workshop**

Appendix

A. Judicial Independence Law Workshop (21-22 December)

Judicial Authority Law Workshop Report

Dead Sea Marriott Hotel

21–22/12/2011

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Executive Summary

To promote the principle of the rule of law and achieve the vision of His Majesty King Abdullah II bin Al Hussein for an independent judicial authority, outlined in the letter sent by His Majesty to the chief justice, Judge Mohammad Al Mahameed, a workshop was held to develop a draft law for the Judicial Authority. The workshop was held based on decision no. 2/1/9/1624 issued on 22/11/2011 by H.E. the Chief Justice to form a judicial committee to put forward a draft Judicial Authority Law. This Law would include amendments that support the independence, transparency and integrity of the judiciary and enhance its stature in preparation for the endorsement of a unified, qualitatively advanced law that regulates the Judicial Authority in a manner in line with the vision of His Majesty to advance towards an independent, fair, effective and efficient judiciary.

Accordingly, the Chief Justice invited each of the following to attend a workshop aimed at developing a draft Judicial Authority law in preparation for its submission to the government to proceed with the constitutional channels. Attendees included judicial committee members that developed the draft law, Judicial Council members, Cassation Court judges, and directors of the Administrative Units at the Judicial Council. The workshop was also attended by the USAID-funded Rule of Law (ROLP) staff.

Following were the main objectives of the workshop:

1. Translate the vision of His Majesty towards the enhancement of the Judicial Authority through the endorsement of a Judicial Authority Law that incorporates amendments that support the independence, transparency and integrity of the judiciary and the enhancement of its stature.
2. Promote participation among decision makers in the Judicial Authority; judicial committee members were tasked with developing the draft law. Judicial Council members, Cassation Court judges, and the Administrative Units at the Judicial Council were asked to provide their feedback, comments and recommendations on the draft law content and articles.
3. Promote the institutionalization of work at the Judicial Council Administrative Units, through involving the Units in drafting and documenting comments and recommendations put forward by judges on the draft law, such that they are reviewed and incorporated into the final draft of the Judicial Authority Law, and prepare the rationale and reasoning for its enactment prior to its submission to the government for proceeding through constitutional channels.
4. Enhance channels of communication within the judiciary.

At the opening session, H.E. the Chief Justice, Judge Mohammad Al Mahameed, emphasized that the draft Judicial Authority Law is considered the cornerstone of the entire judiciary, pointing out that the enhancements undertaken by the judiciary “constitute important reform of the judiciary and usher in a new era, in light of the qualitative shift witnessed by the Kingdom in the legal and judicial reform spheres, through the enactment of new legislations that are compatible with constitutional amendments which contributed in setting the basis of the rule of law state and that of institutions, and emphasized the separation of powers and the independence of the judiciary”.

Judge Al Mahameed praised the efforts of the committee that comprised a large segment of the judiciary across all levels. He praised the commitment that was made in developing a draft law; after it was reviewed, comments, recommendations and views were submitted by all members of the judiciary, from questionnaires that were distributed among all judges. The committee incorporated the views and suggestions that benefit judges, the judiciary, and account for the interest of the state and that of the citizen.

The Chief Justice pointed out that the draft law “includes valuable principles, among which include a basis for achieving full independence of the Judicial Authority, defining the jurisdiction of different types and levels of regular courts, and how the judiciary will exercise their authority and mandate according to the provisions of the Constitution. He outlined the role of the Public Prosecution and the State Lawyer according to the legislation in force”.

Following the Chief Justice’s speech, Judge Ahmad Jammaliyyeh, the Chief Judge of the Amman First Instance Court, and the judge assigned by the Judicial Council to work with the Rule of Law Project on activating the Administrative Units Regulations No. 5 of 2010 to oversee the Administrative Units, delivered a presentation. The presentation included the functions and performance of the Administrative Units, the mechanism of their work, their role in the judicial development process, and in providing administrative and technical support to the Judicial Council, including supervising the preparation and organization of judicial workshops related to judicial enhancement and the preparation of the Judicial Authority Strategy.

Judicial Authority Law Workshop

Workshop Attendees

Appendix (1)

Workshop Title: Develop a Draft Judicial Authority Law

Place / Date: Dead Sea Marriott Hotel, 21 – 22/ 12/ 2011

Attendees: H.E. the Chief Justice, Judicial Council members, Cassation Court judges, directors of the Administrative Units at the Judicial Council, judicial committee members that developed the draft law, and USAID-funded Rule of Law (ROLP) team.

Number of workshop participants was 54.

- Chief Justice and members of the Judicial Council (Chief Judge of the Court of Higher Justice, Chief Attorney General, Chief Inspector, the two most senior Cassation Court judges, Secretary General of the Ministry of Justice, Chief Judges of the Courts of Appeal, and the Chief Judge of the Amman First Instance Court)
- Head of the Technical Office at the Court of Cassation
- The State Lawyer
- Director of the Judicial Institute of Jordan
- Chief Prosecutor before the Court of Higher Justice
- Court of Higher Justice judge
- Amman Attorney General
- Amman Court of Appeals judge
- Amman First Instance Court judge
- Judge from the Ministry of Justice
- Cassation Court judges (30 judges)
- Directors of the Administrative Units at the Judicial Council (Judges Affairs Unit, Training and Specialization Unit, and Planning and Development Unit)
- Office Manager of the Chief Justice's office and the secretary of the Judicial Council

- Rule of Law Project team

Workshop Agenda

Appendix (2)

Day 1 – Wednesday, 21/ 12/ 2011

- Speech of His Excellency Chief Judge of the Cassation Court, and Chief Justice Judge Mohammad Al Mahameed.
- Speech of His Excellency the Chief Judge of Amman First Instance Court, Judge Ahmad Jammaliyyeh, on the “**Administrative Units Falling Under the Judicial Council.**”
- Presentation of the questionnaire results that were gathered from all judges across the Kingdom with regards to the Judicial Authority Law presented by Mr. Nabil Isaifan from the Rule of Law Project.
- Presentation of the draft Judicial Authority Law prepared by the judicial committee and presented by **Judge Dr. Thaer Al Adwan, Amman Court of Appeal.**
- Introductory presentation on “**Judicial Independence and Judicial Council Mandate**” presented by **Judge Khalifeh Al Suleiman, Court of Cassation**, followed by a discussion of legal articles related to the presentation.
- Presentation on “The Jurisdiction of Courts” presented by Judge Dr. Akram Masaadeh/Court of Higher Justice, followed by discussion of legal articles related to the presentation.
- General discussion session on the draft Judicial Authority Law and development of recommendations.

Day 1 – Thursday, 22/ 12/ 2011

- Presentation on “Appointment of Judges” delivered by Judge Mohammad Al Homs/Cassation Court, followed by discussion of the legal articles related to the presentation.
- Presentation on “The Duties of Judges” delivered by Judge Dr. Abdul Qader Al Tura/Cassation Court, followed by discussion of the legal articles related to the presentation.
- Continue general discussion session on the draft Judicial Authority Law and development of recommendations.

Introduction

In response to an invitation of the Chief Justice of the Judicial Council to hold a workshop to prepare a draft law for the judicial authority, the USAID-funded Rule of Law Project, in coordination with the Administrative Units of the Judicial Council of Jordan, held a workshop to prepare a draft law for the Judicial Authority. The workshop was held between 21 – 22/ 12/ 2011 at the Dead Sea Marriott Hotel and was attended by decision makers within the judiciary represented by the Chief Justice and members of the Judicial Council, Cassation Court judges and members of the committee charged with preparing the draft law.

The workshop had several objectives: to translate the vision of His Majesty towards the enhancement of the judicial authority through the endorsement of a Judicial Authority Law that incorporates amendments that support the independence, transparency and integrity of the judiciary and the enhancement of its stature; promote participation among decision makers in the Judicial Authority through providing their feedback, comments and recommendations on the draft law content and articles; promote the institutionalization of work at the Judicial Council Administrative Units, through involving the Units in drafting and documenting comments and recommendations put forward by judges on the draft law, such that they are reviewed and incorporated into the final draft of the Judicial Authority Law, and prepare it to proceed through the constitutional channels; and finally to enhance channels of communication within the judiciary.

This report covers all preparatory activities and events leading up to the workshop, all activities undertaken during the workshop, and the methodology followed to achieve the main objectives of the workshop, to prepare a draft of the law that is considered one of the most important laws concerning the judiciary and judges in a way that reflects the vision of His Majesty towards the strengthening of the independence of the judiciary and the separation of powers, and establishing the principles of the rule of law, justice and equality.

Appendix (3) – Speech of the Chief Justice, Judge Mohammad Al Mahameed

H.E. the Chief Justice, Judge Mohammad Al Mahameed emphasized in his opening remarks that the draft Judicial Authority Law is considered the cornerstone of the entire judiciary, pointing out that enhancements undertaken by the judiciary “constitute important reform of the judiciary and usher in a new era, in light of the qualitative shift witnessed by the Kingdom in the legal and judicial reform spheres, through the enactment of new legislation compatible with the constitutional amendments that contributed in setting the basis of the rule of law state and that of institutions, and emphasized the importance of the separation of powers and the independence of the judiciary.

Judge Al Mahameed praised the efforts of the committee that was charged with preparing the draft law, stating that “the assigned commendable judicial committee, which comprised a large segment of the judiciary across all levels, developed a draft for this law in a short time after reviewing comments, recommendations and views submitted by all members of the judiciary, that were gathered from questionnaires that were distributed among all judges. The committee incorporated the views and suggestions that benefit the judges and judiciary as well as account for the interest of the state and that of the citizen.”

Judge Al Mahamid touched on the content of the draft law, whereby he pointed out that the draft law “includes valuable principles and basis for achieving full independence of the Judicial Authority, defining the jurisdiction of the different types and levels of regular courts, and how they will exercise their authorities and mandate according to the provisions of the Constitution. He outlined the role of the Public Prosecution and the State Lawyer, according to the legislations in force”.

Finally, Judge Al Mahamid praised the efforts made by those working in the judiciary, both judges and staff, particularly the judges of the Court of Cassation, whose efforts contributed to raising performance to unprecedented levels, according to the number of judicial activities over the past few months.

Appendix (4) – Speech of the Chief Judge of the Amman First Instance Court, Judge Ahmad Jammaliyyeh

H.E. Chief Judge of the Amman First Instance Court, Judge Ahmad Jamaliyyeh, charged with activating the Administrative Units Regulations, began his speech by welcoming participants, pointing out that he was assigned by the Chief Justice to hold this workshop, which includes the largest gathering of decision makers in the judiciary, to draft a Judicial Authority Law.

He extended his appreciation to His Excellency the Chief Justice, the esteemed members of the Judicial Council, Cassation Court judges, Judicial Council Administrative Units team, and members of the USAID-funded Rule of Law Project.

His Excellency stressed the importance of the Judicial Authority bringing about qualitative change in the performance of the judiciary such that it is able to achieve its core and fixed values of justice, fairness, equality and the safeguarding of the rights of citizens that are guaranteed by the Jordanian Constitution.

He stressed the importance of converging all efforts to improve the performance of judges, the quality of judgments and litigation procedures, as well as raising the competence the judges, in terms of both knowledge and practice. This is important in light of the increasing number of cases and the growing diversity of the types of disputed legal issues brought before courts today. He emphasized that the Judicial Council sets policies and strategies aimed at speeding up litigation proceedings and judgment enforcement, and continues to pursue projects that strengthen the independence of the judiciary in accordance with best international practices.

His Excellency also touched on the importance of the Administrative Units that have been activated in accordance with the Administrative Units Regulations No. 5 of 2010 and the contribution they make in alleviating burden on the Judicial Council. Furthermore, he provided an overview of achievements made in record time, in cooperation with the Rule of Law Project, and the workshops that were held in order to strengthen communication channels and ensure the highest levels of transparency and information-sharing. In addition, he presented an outline of the projects currently underway, most important of which is the Judicial Council's new website, as it constitutes a comprehensive electronic gateway that enhances internal and external communication channels as it allows access to information readily and easily.

In relation to improving performance, Judge Jamaliyyeh explained that the Administrative Units distributed a questionnaire to all judges in the Kingdom. The questionnaire was related to the Judicial Authority Law aimed at measuring public opinion and views on all that would enhance performance and promote development of judicial work. Questionnaire results were being studied, reviewed and analyzed to benefit from their outputs.

In conclusion, he hoped that the workshop would help achieve the vision of His Majesty and the directions of His Excellency the Chief Justice towards improving the performance of the Judicial Authority in a way that supports advancing reform.

Presentation on the results of the questionnaire distributed among judges – Mr. Nabil Isaifan

The Rule of Law Project representative, Mr. Nabil Isaifan, pointed out that prior to the formation of the judicial committee charged with developing a draft Judicial Authority Law, a questionnaire was distributed among all judges across the Kingdom to solicit their views and suggestions related to the Judicial Authority Law (appendix 4) such that it would be drafted in a way that serves the interests of the judiciary and accounts for the higher interest of the country and citizens. The committee reviewed the comments, suggestions and views provided by all judges holding various posts and incorporated those benefiting judges and the judiciary and accounting for the interest of the state and that of the citizen.

Mr. Isaifan indicated that the aim of the questionnaire was to develop a unified law that governs the Judicial Authority which is substantially advanced and consistent with the aspirations of His Majesty in terms of working with the judiciary and achieving an independent, efficient and effective Judicial Authority.

Mr. Isaifan presented the results of the questionnaire (appendix 5), indicating that at least 99% of judges expressed the need for a uniform law governing the judiciary. With regards to the provisions proposed by judges for inclusion in the Judicial Authority Law, the provision related to financial and administrative independence registered the highest percent, followed by a provision related to the retirement of judges; they called for setting specific criteria in the event that the Judicial Council decided to deem the services of a judge unnecessary.

Mr. Isaifan also pointed to the confirmation of judges on issues related to improving their living standards, providing them with immunity, and re-examining their basis for promotion. They also called for establishing a judges' club, according to the questionnaire results.

As for the provisions in the Judicial Independence Law and the Regular Courts Formation Law that were proposed by judges to be amended, Mr. Isaifan stated the affirmation of judges to amend article 16 of the Judicial Independence Law pertaining to the retirement of judges. Additionally, the judges sought to amend article 20 of the same law which requires judges to pass an interview prior to promotion. In addition, they called for raising the age requirement for hiring judges to be 30, among other provisions.

Finally, with regards to legislation that must be adjusted, from the viewpoint of the judges, in the light of the constitutional text referring to the independence of the Judicial Authority, Mr. Isaifan outlined the laws that need to be amended, which are the following: Judicial Independence Law, Regular Courts Formation Law, Criminal Procedures Code, Conciliation Courts Law, Civil Procedures Code, Penal Code, Anti-Corruption Commission Law, Judicial Institute of Jordan Regulations, and Special Courts Laws, among others.

It must be noted that the judicial committee tasked by the Judicial Council to prepare the draft law reviewed the comments, suggestions and views provided by all the members of the judiciary, through the questionnaire that was distributed to all judges.

Presentation of the Draft Judicial Authority Law - presented by Judge Dr. Thaer Al Adwan

Dr. Thaer Al Adwan, Court of Appeals judge, and one of the judicial committee members tasked to develop a draft law, presented the draft Judicial Authority Law, highlighting the articles that were added, articles that were amended, and the articles that were kept unchanged, explaining that said amendments came to conform with recent constitutional amendments.

Presentation on “Judicial Independence and Judicial Council Mandate” - presented by Judge Khalifeh Al Suleiman

Appendix (6)

Court of Cassation Judge, Judge Khalifa Sulaiman, one of the judicial committee members tasked to develop the draft law, started his presentation by outlining the requirements of judicial independence; he stressed the institutional independence of the judiciary and individual independence of judges, financial and administrative independence, and independence in decision-making with regard to cases falling under the judge’s jurisdiction.

Judge Suleiman covered judicial independence in international conventions and modern constitutions in: the Statute of the International Court of Justice, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as the Basic Principles on the Independence of the Judiciary that were adopted at the Seventh United Nations Congress on Crime Prevention and Treatment of Offenders for the year 1985.

Judge Suleiman presented the legal articles related to this pillar and the basis that the committee used in drafting them. The presentation was followed by a discussion among judges of several articles. Several issues were raised within this pillar that aimed at enhancing judicial independence. Several ideas were suggested; most important of which focused on the principle of financial and administrative independence of the judiciary, and the role of the Judicial Council in the preparation of legislation related to the judiciary.

Several proposals were put forward that include the possibility of independently preparing a budget for the judicial authority and submitting it directly to parliament, not to the executive power, the addition of Judicial Council elected members to be elected directly by judges from among First Instance and Appeals Courts.

Presentation on “The Jurisdiction of Courts” - presented by Judge Dr. Akram Masaadeh

Appendix (7)

A member of the Court of Higher Justice, Dr. Akram Masaadeh, delivered a presentation on "the Jurisdiction of Courts," and presented the relevant legal provisions within the law, as well as the original text and amendments introduced by the committee. The presentation was followed by a detailed discussion and dialogue of several articles of the law; many recommendations were presented for their amendment in a way that would serve the goal of promoting judicial independence and enhancing justice.

Presentation on "The Appointment of Judges" - Judge Mohammed al Homsy

Appendix (8)

During the second day of the workshop, the judges discussed the appointment of judges pillar through presenting legal articles related to this issue. Cassation Court Judge Mohammad Al Homsy, a member of the judicial committee that was formed to prepare the draft law, during his presentation, touched on the recent constitutional amendments related to the judiciary which have given the judiciary greater importance and stature. He also referred to the letter of His Majesty that was sent to the Chief Justice in which he emphasized commitment to the separation of powers and the importance of augmenting the competence and capacity of courts, empowerment of its judges and staff to efficiently run courts through continuous training, education and development.

Judge Al Homsy also outlined the terms and conditions for appointing judges; he referred to the legal text and articles governing the appointment process, as well as their interpretation and method of application on the ground. He also touched on the method of appointing Cassation Court Judges and the Chief Justice.

Presentation on “The Duties of Judges” delivered by Judge Dr. Abdul Qader Al Tura

Appendix (9)

Discussion of judges’ was conducted through presenting relevant legal articles that addressed this issue. The presentation was conducted by Cassation Court Judge Dr. Abdul Qader Al Tura, a member of the Judicial Committee charged with developing the draft law. Judge Al Tura presented a working paper containing two research areas. The first area relates to the scope of the functions and duties of judges, which he summarized in three tasks: to perform, to comply with laws and to exhibit loyalty to his/her career. The second area covered the duties of judges outside the scope of his/her work, whereby he classified them into three groups according to the nature of each: the observance of ethics, general morals and professionalism, the professional nature, and the political nature that may affect the State's policy and principles.

Workshop participants reviewed the relevant articles of the law and the principles on which the Judicial Committee formed by the Judicial Council developed the draft law used as a basis for its work. The presentation was followed by discussions among participating judges on many articles of the law and recommendations, ideas and suggestions on this issue.

The workshop concluded with the discussion of other legal articles that were not covered by the four presentations.

The Judicial Council Administrative Units documented all comments and recommendations put forth by judges on the draft law, such that they were reviewed and incorporated into the final draft of the Judicial Authority Law, and prepared for its enactment prior to its submission to the government for proceeding through constitutional channels.

The Chief Judge of the Amman First Instance Court, Judge Ahmed Jamaliyeh presented to Chief Justice Mohammad Al Mahamid, an initial draft of the Judicial Authority Strategy “The Strategy of Building” for the years 2012 -2014. The Chief Justice and members of the Judicial Council will review the Judicial Authority Strategy and send a copy to His Majesty in order to request permission for its launch at the Third Judicial Conference planned in early 2012.

Broad Outline of the Judicial Authority Draft Law

Appendix 10

Through the judges' discussion of the draft Judicial Authority Law, planned to be submitted to the government after incorporation of the necessary amendments following the workshop, the judges recommended the following:

- Raise the minimum age requirement for judicial appointment from 25 years to 27 years, as was the case previously.
- The Judicial Authority must be financially and administratively independent.
- The possibility of preparing an independent budget for the judiciary that is submitted directly to parliament, as opposed to the executive power.
- Establish an Appeals Court in the Zarqa governorate, to reduce caseload in the Amman Appeals Court. A President of the court would be assigned, as well as a number of judges, according to need. The Court may convene in any location within the geographic jurisdiction and with the approval of the President of the Court.
- Determine the specialization of judges and assign them to either the civil or criminal chamber at First Instance and Appeals Courts or the Court of Cassation by a decision signed by the Chief Justice.
- Establish a Judicial Council with exclusive jurisdiction over matters relating to judges covered under the provisions of the Judicial Authority Law and the Chief Inspector of Regular Courts.
- Establish the Judicial Institute of Jordan. A special regulation will be issued for establishing this Institute and will outline the Institute's goals, structure, and mechanism of work. A senior judge, holding a rank of not less than special, shall be assigned as the Institute's director, upon a decision issued by the Chief Justice that is based on the nomination of the Judicial Council.
- The Judicial Council will form a committee that will look into decisions or matters relating to the retirement of judges.
- Place a strong emphasis on the role of the Judicial Council in drafting legislation related to the judiciary.
- Add elected members to join the Judicial Council elected directly from First Instance and Appeals Court judges.

B. Bill Davis Consultant Report

Report to ROLP

From: William Davis

January 26, 2012

During the period of January 17 to 27 I was in Jordan at the request of the ROLP project office to undertake the following tasks:

1. Advise the team on methods, practices and strategies to strengthen judicial independence
2. Conduct a workshop on case delay methods
3. Advise the Chief Justice on judicial independence and the implementation of the justice reform

Strategy

4. Advise the project on anticipated grants activities in accordance with the AID contract

The following document reports my findings and views on each area of the terms of reference except for the delay conference which did not occur due to a scheduling change.

JUDICIAL INDEPENDENCE

For more than 10 years this topic has been discussed by the Judiciary. It has finally come into focus in part due to the Arab spring where public voices are now clamoring for judicial independence to occur. This change is the first time that voices outside the Judiciary have taken up this topic and demanded change. Even though there has been a public outcry and an embrace of a specific proposal accompanied by a letter from the Minister of Justice to the Judicial Council in September last year asking for action by the Council on judicial independence. Many hurdles remain to overcome. The very concept of separation of powers is not legally recognized in Jordan. In response to this letter, the Judicial Council undertook a comprehensive effort to engage all the judges in the Kingdom to develop a Strategic Plan covering the next three years.

The traditional understanding of judicial independence is the freedom of judges to make decisions in cases without fear of interference from any source. The subject of judicial independence in Jordan has been discussed openly for the past 10 years with the King on numerous occasions indicating his strong support for judicial independence. Until recently, no real substantive action steps have been taken by either the Ministry of Justice or the Executive Branch to support visible and tangible efforts to establishing a new regime of judicial independence. The first concrete steps in the direction of judicial independence was the creation of administrative units, a idea discussed nearly 10 years ago.

In a recent public opinion poll, cited in the Jordan Times, Jan 28. the public expressed support for the efforts underway at reform in the country but the public opinion indicated that noticeably absent was any progress on judicial independence. Political and judicial leaders must see this comment as a indication of “public supervision” about progress on the goals of the Arab Spring movement. No longer is justice reform being left to the discretion of the justice sector.

The concept of judicial independence has been broadened in the past 20 plus years to include administrative independence from the executive branch which includes financial independence, decision making on human resource decisions such as judicial and staff appointments, disciplinary oversight, responsibility for training and education of judges, in some instances the construction and management of properties to name the key components. Jordan is embracing the broader concept with the draft of the new legislation on the Judicial Authority. While the new legislation has not yet been approved, it is anticipated will be heatedly debated in the Parliament. It is worth noting that this transition has been undertaken in many countries around the world in the past 20 years.

The conceptual transition has proven to be a real challenge to overcome for all those countries who have inherited the continental legal structure with judiciary being a component of the ministry of justice. The very idea that the judiciary would operate independently in a system where virtually all authority is vested in the executive branch requires adjusting of political boundaries. Administrative independence has the tendency to promote real judicial decision making independence.

The creation of separate branch of government where none existed before causes a chemical reaction within the government. The very idea that there is a separate branch of government with operational autonomy is a significant change. The judiciary will need to develop new capacities and abilities to deal with the executive agencies. For example, successfully operated judicial systems which are independent maintain close working relationships with the executive branch and the legislative branch. In the most developed systems, special offices are created for managing legislative affairs on behalf of the judiciary and at the same time participating in the legislative process where draft bills from whatever source that impact the judicial system are analyzed and submitted to the Judicial Council for consideration to take a position or issue a comment on the anticipated impact of the bill if approved.

The judiciary will need to develop new capacities to interact with the public. Outreach strategies, informing the public of activities, commenting on cases strategy, establishing relationships with non-judicial entities, establishing relationship with the written and audiovisual media are all required. Examples such as, having the Chief Justice making an Annual Speech before the Parliament to inform the Parliament and thus the entire nation on the State of the Judiciary, its concerns, needs, priorities and achievements and plans going forward.

On the financial side, it is critical to maintain a close working relationship with the appropriate executive agency who manages all the governments’ funds. Independence does not necessarily

translate into power in the fight for funds. Every government spends most of its time trying to manage limited resources. Achieving a separate judicial budget may seem ideal in the current political context. However, there will be emergencies and unforeseen needs arise from the operation of the judicial authority. In order to be successful with the executive branch in securing additional funds for the inevitable unforeseen event or needs, it will be incumbent on the Judicial Council to have the Secretary General and or his delegate in constant contact with the executive and legislative branch. They will need to develop a relationship of trust and competence such that the other branches come to know that when the judiciary requests funds from either the standard budget process or for a unforeseen need. Far too often, I have witnessed judiciaries adopt a take it or leave it attitude with the executive branch which inevitably leads to stalemates and failure. A more prudent line of action is to understand the judiciary is a part of a whole not a separate government unto itself. This line of understanding can lead to cooperative working relationships. This is to not say there won't be differences rather it is to say the judiciary is available to work through problems and not be an obstacle.

Administrative independence has taken numerous forms in different countries of the world. In some instances, the judiciary created separate administrative corporations to execute these functions, in others an administrative office was created, in still others the administrative oversight functions were assigned to judicial councils. In the case of Jordan, the reform focuses on the assignment of administrative functions to the Judicial Council. The recent creation of administrative units under the Council are intended to build up the administrative capacity necessary to undertake a full administrative independence.

However, it is critical to understand that this proposed reform takes place in the context of the political system and interest's operative in Jordan where there has never been such an entity that is independent of the executive branch control. It should be anticipated that the draft legislation will suffer some changes and modifications in the legislative process. What must not be lost, however, is the need for the judiciary to operate with such efficacy and competence so as to build enough trust both within the judiciary and outside that the Parliament will willingly delegate new functions and responsibilities. Power is never granted it is earned and in this case it is earned by exemplary management.

The newly created administrative units have to do a better job at their duties than the MOJ ever did. They should be extremely aware about this element of their duties and responsibilities. You should encourage them to consciously establish standards of performance that exceed what has been customary. It should be anticipated that there will be opposition within the judiciary for these changes. In some cases it will be because some individuals enjoy special privileges through their associations with MOJ staff and in other cases it will be because some judges will find it difficult to deny requests from their colleagues. Confronting these challenges will require a fair and balanced approach based on management by principle rather than fiat.

There should be a period of time, say at least a year, planned for the transition to financial independence. Nothing is to be gained by accelerating the transition and doing it poorly. My

experience in other countries where this transition has been made suggests there is need for discussion about responsibility. The judiciary needs to understand that it is risky to ask for something and be unprepared to adequately manage it once it is received. The Judicial Council should have discussions about how they would approach the management of these funds. For example, will they be prepared to delegate some level of responsibility to lower courts for purchasing? If yes, what management principles will be followed? What software systems will be used to monitor expense patterns? Will the staff and judges be trained to manage these matters? What level of discretion will they have? Will there be petty cash fund and if so, how much will be managed from each site? How will the management of the funds be integrated into the strategy? The most sensitive areas are in human resource decisions where favoritism can be seen. A principled approach is necessary to create a strong and balanced approach to these matters.

One approach would be for the Judicial Council and the administrative units to develop a checklist of current policies of the MOJ and contrast it with proposed Judicial Council policies. The checklist should necessarily identify the current practices of the MOJ and then counter them with proposals to be applied in the judiciary. In this fashion the Council could go about creating administrative principles to guide its actions. This approach should not rule out a collaborative process with MOJ where jointly the strategy is worked out on how best to transfer these duties and the policies to be followed. This approach has been followed by many of the most advanced judicial systems in the world.

There is currency within some judicial systems that have administrative independence that they cannot be questioned about their administrative decisions by the executive branch. This position is risky one because it creates the image that the judiciary is asserting itself above the law. Once again it is recommended the Judicial Council begin a dialogue to identify its position on these matters. The position the judiciary is not susceptible to being accountable is mistaken. On the contrary, my view the judiciary should seek to achieve a level of accountability higher than any other governmental function. The successful cultivation of judicial independence will be determined by the judiciary's stewardship of the funds that they are charged with administering and the level of leadership exercised in addressing the performance of the judicial system. Independence is not granted, ultimately, it is earned. If the judiciary fails to exercise the necessary leadership, there will be attacks on the independence, as has happened, in other countries.

There should be developed a course at IJI on judicial independence, its meaning, means to achieving it, the costs and responsibilities of maintaining it, experiences from other countries, the role of each judge in judicial independence, the concept of independence to judges is a "trust" given to very few people in the government and as such, this trust must be managed very carefully, the role of each court and the Council's role in protecting and promoting the same concept. In this fashion the concept will be institutionalized at all levels and become ingrained into judges at all levels.

Since this concept is novel to Jordan and has no real precedent, it is reasonable to expect that there are many people who will not understand it. In light of this situation, specific efforts should be launched to educate and inform the public, the news media, and civil society organizations about the concepts and how they will be put into practice. In this manner the project can also build up an informed constituency that could be of assistance to the Judiciary when the inevitable challenges come from the executive or legislative branch. Judicial systems do not generally have political alliances thus, when they are facing attacks or efforts to weaken their authority, they are not very adept at responding. Many judicial systems have found it advisable to have working relationships with non-governmental organizations, the news media etc where they can explain the judicial position and obtain support for the judiciary's views.

SUMMARY OF RECOMMENDATIONS

Clarify the scope of meaning of judicial independence

Judiciary will need to develop new skills and abilities for dealing with the executive and legislative branches

Administrative units should set highest possible standards for performance of their duties

Ask for a year transition to financial independence

Develop a policy list of questions for the Judicial Council to consider in administrative and financial management

Develop standards for administration of the justice system

Develop a course at JIJ on judicial independence for all sitting and new appointed judges

JUDICIAL STRATEGY

The first thing to cite about this strategy is that it was developed on a participatory basis respecting the opinions of the judiciary. The mere fact that this strategy was developed in this fashion, will contribute to the necessary buy-in to execute the provisions of the strategy. Ultimately, it is desirable to see the Judiciary develop a spirit de corps and a sense of mutual responsibility. When there is a shared sense of responsibility for the delivery of a high quality of justice, the mutually reinforcing aspect of the organizational culture contributes to a sense of honor and duty to maintain the standards.

The decision to invite the participation of judges to develop such a strategy communicates a level of respect for their abilities to contribute to betterment of the system.

The fact that the Chief Justice attended all the sessions and listened rather than directing is also very significant. This leadership style is not common but, it also conveys a great deal of respect to the participants who made their contributions. When there is an effort to either build or reinforce an organizational culture, it is critical to maintain focus on the values and principles that are being reflected in the planned activities and not just on the activities.

The Judicial Strategy needs an action plan. The action plan also, needs to be subjected to participatory processes. Everything that has been written about introducing change repeatedly cites the need for ample participation to be a key element. While the Judicial Strategy is a national level document and serves as the foundation for focus, it is necessary to develop a local or regional version. This step is critical to make the strategy have a local presence. By converting the strategy to a local level you also are contributing to building judicial independence.

When judges at every level understand that they share in the responsibility to implement the anticipated strategies, the dynamics of the governance of the system will change. Further, this initiative will give rise to local initiatives and dynamics that will emerge from the conditions prevalent in each community. Ultimately, one wants to see efforts at every level to improve the delivery of justice and to achieve this goal, the Council will need to 'create' processes of consultation within the judicial system that will enable the opinions of the judges and the regional courts to be seen as integral to the governance mechanisms.

The Planning Office in the Administrative Unit should be charged with producing quarterly reports on progress of the judiciary towards the goals of the Plan. Further, they should be updating the web site on a "daily" or at least weekly basis of activities of the courts in achieving the goals of the plan. They should be fostering a level of competition between and amongst the courts in achieving the goals of the plan and creating a sense of a campaign to achieve the goals of the plan.

To go even further, the Council might consider creating a system of recognition for individual judges, staff or courts who have taken new initiatives to improve the delivery of justice. The Council might develop an annual award(s) in honor of a distinguished jurist that recognize excellence. Here the critical aspect of the effort is again to reinforce a set of values and behaviors through individual or institutional recognition. Such an effort could be used to transmit to the public how the Judiciary is seeking to provide improvement in the delivery of justice. It will also reinforce the idea that the goal is excellence not just "compliance".

There needs to be schedule at least three meetings a year with all the relevant organizational entities to review progress and have reports from every sector to measure progress. These meetings need to be public in order to build public confidence in the Judicial Council's management and governance of the system. Since the Judiciary has had no experience with inviting the press or public to its meetings, this kind of initiative may take some doing to convince the Council to adopt this practice. The first step is always the hardest.

Consideration should be given to having a special press briefing on the Strategy once it has been formally submitted to the government. In this fashion the Judicial Council will establish its separate identity from the Ministry of Justice and signal to the general public that the Judiciary is responding to needs of the system and taking measured steps to address weaknesses. It will also signal to the Parliament that the Judiciary is acting independently to assert leadership over judicial concerns. Judicial independence is earned not granted.

Taking such a step also indicates the Judicial Council is willing to be accountable. There is to be expected some fall out since this kind of activity has never been done before. Adequate preparation would need to be done. It is critical to remember that the press generally does not understand the judiciary, its organization and its operations. Consider arranging a meeting of the Chief Justice with the editorial board of prominent newspaper to talk about what the judicial system is doing to provide better justice to the citizens of Jordan

Similar efforts should be made at the regional offices of the Courts of Appeals.

The process of law reform must necessarily be inclusive. Experience has shown that projects are more successful in these activities when they “create’ a forum for discussion and debate of ideas for law reform. In this manner the drafters of the reform can have the benefit of ideas and criticisms in advance of submitting a draft to the Parliament. It also serves to vet new ideas and approaches to address problems with the current legislation. Due to the sensitive nature of these issues, it is perhaps wisest to conduct such fora in conjunction with an ngo or a law school.

In our experience law reform efforts usually take several years to come to fruition, this result is especially the case where there is real substantive change in the law. Considerable effort is required to build consensus about the planned reform. Effort must be made to not just copy a law from another country. The debating process around the purported content of the legislations is a critical element in the learning process. The writing of legislation is about gathering the totality of the experience e in a country looking at comparative experiences and applying the most relevant lessons learned to Jordan. For donors supporting these activities are quite frustrating because the processes don’t generally fall into neat quarterly reports or linear processes. No one should be surprised by this situation if they but look at the home country processes to understand how legislation is developed.

SUMMARY OF RECOMMENDATIONS

ACTIVELY PROMOTE ACTIVITIES WHICH LEAD TO CREATION OF A ESPIRIT DE CORPS, A SENSE OF MUTUAL RESPONSIBILITY, A SENSE OF HONOR AND DUTY

CONTINUE RELYING ON PARTICPATORY PROCESSES

REINFORCE THE STYLE OF LEADERSHIP DISPLAYED BY CHIEF JUSTICE IN DEVELOPING THE JUDICIAL STRATEGY-IT IS CALLED SERVANT LEADERSHIP

CONSTANTLY REINFORCE THE POSITIVE ASPECTS OF THE EFFORTS-REMEMBER TO MAKE CHANGE IN SUCH A INSTITUTION IS PERSONALLY AND POLITICALLY RISKY

DEVELOP ACTION PLANS TO IMPLEMENT THE STRATEGY AT THE LOCAL LEVEL

DEVELOP A SYSTEM THAT RECOGNIZES EXCELLENCE BY SINGLE EMPLOYEE, JUDGE, PROSECUTOR OR COURT

TRAIN THE JUDICIARY ON HOW TO DEAL WITH THE PUBLIC

INVITE PUBLIC TO MEETINGS

ARRANGE FOR CHIEF JUSTICE TO GIVE ANNUAL STATE OF THE JUDICIARY ADDRESS TO THE PARLIAMENT

CREATE A FORUM FOR THE DISCUSSION OF PROPOSED NEW LEGISLATION

JUDICIAL STRATEGY AND COMMENTS ON THE WORKPLAN

Our experience with the separation of the judiciary from the ministry of justice in other countries suggests there be considerable effort to create a meaningful role for MOJ. Activities that can be considered are establishing a criminal justice policy center which produces all criminal statistics, corrections management, prosecution functions, civil and criminal law reforms, representation of the government in litigation, access to justice issues such as alternative dispute resolution centers in municipalities, public defense. An observation here is in order on Public Defense and Prosecution. A political trade off with MOJ for separation of the Judiciary is to assign the prosecutorial functions to the MOJ. Public defense which is a system that receives very little attention or resources would benefit from being assigned to Judiciary as is the case with federal courts in the U.S. In Jordan there are no public defense offices. Public defense entities have no political supporters and are often left high and dry in the funding process. On the other hand when included in the judiciary they benefit from being a part of the judicial system.

The central point being, it is critical to have alternatives ready for consideration when the legislative process starts on separation of powers. Strategically, if one is to advocate for some form of separation of the Judiciary from the Ministry of Justice, it is equally critical to propose new roles for the MOJ. Since the prosecutors are now coming from the judiciary, it would be wiser strategy to pursue the development of new criminal law and procedure efforts as a precursor to any effort to separate prosecution from the judiciary. If the criminal procedure effort pursues the modern wave of moving away from the French model towards an accusatory model, there will be clear need to have a different organizational approach to the delivery of

prosecutorial services. Thus, the need to separate will become more obvious and seen not as a power grab rather as response to the legislative needs and requirements.

In the Planning and Development Unit they should develop an integrated strategy with the Strategy and the existing budget, recognizing that the current budget was not developed with these items in mind. Judicial budgets tend to breakdown along these lines: 85 to 90 plus percent personnel expense; 5 to 10 percent administrative expenses. Rarely is there a capital expenditure budget or a program or projects budget. It is necessary to begin the process of looking at sustainability of proposed activities, as soon as possible. In this manner, the preparation of the next budget could anticipate building in requests for certain expense items contained in the Judicial Strategy. While the AID contract will permit the project to fund many activities for the next periods of time, the Judicial Council needs to build up its base of expenditures as soon as possible and learn how to prepare and successfully submit a budget for funding which includes other items besides human resources and administrative costs.

For example, in the needs assessment there is reference to the need for capital expenditures. Is there an assessment of needs that justifies this activity? Has there been a facilities needs assessment? Look at the DPK facilities standards on the web page to measure the needs. Generally speaking, a facility needs assessment ranks needs according to priorities and then develops a long term funding plan for judicial facilities. Since there are legislative priorities to change civil, criminal procedure etc, it would be prudent to not undertake any new needs assessments until it was clear what kind of procedure is going to be required. For example, if the civil and criminal reform relies more heavily on oral processes there may be a need to have larger court rooms, space for tape recorders etc. Successful planning for these kinds of efforts must necessarily be done in close cooperation with the executive branch.

One of my first jobs in judicial administration was to establish the first office of judicial planning in the U.S. in 1973. I found that judges were generally unfamiliar with these processes. Even though this Strategy was done with participation of all levels, I recommend the JIJ be tasked to develop a series of courses on the administration of the courts which would include planning, supervision, motivation strategies, court management, how to engage the public, how to use public opinion surveys of users of the courts, how to promote greater integrity of judges, prosecutors and staff.

The Judicial Inspection Department is the compliance office of the judiciary. Compliance is generally defined by adherence or fulfillment of standards defined either by law or in regulations. Compliance offices do not generally have the mandate to assist those audited to improve their performance nor do they have obligation to cite excellence and disseminate information about either compliance or excellence. Insuring compliance is worthwhile function, but it does not directly relate to improving performance. In the final analysis, the primary function of the Judicial Council is to improve performance of the judiciary.

To truly generate some positive impact from this office, it should have the obligation to provide to the Judicial Council at every meeting a review of its findings citing those examples where they found outstanding performance. By constantly focusing on the compliance, they are not contributing to promotion of excellence. Further, they should be required to produce reports citing the most frequent problems encountered what steps should be taken to address the problems. This information should be posted on the web page in order that all judges be made aware of the problems and know what are the necessary steps to be taken to address the concerns. The appropriate Administrative Unit of the Council should be tasked with offering assistance, where appropriate, to the individual judge or court to rectify the situation. By only focusing on compliance, the corporate culture being promoted is one that does not foster a spirit de corps. On the contrary, creating a process where what is learned is turned into a series of actions to be shared with other judges and staff in order that they might be prepared to address the identified problem promotes a corporate culture of inclusiveness.

The proposed law reform activities will be very important for the long term effort to modernize the state. The judgment enforcement legislation is quite critical to improving the efficacy of the judicial process. It is the easiest topic to address among the listed topics. Considerable work has recently been done of this topic in Europe. DPK has developed manuals on this topic which are available. It would be highly desirable for the Council to give this priority and achieve a success with a draft and passage of a new law. In this manner they will be seen as an effective entity responding to the needs of the users of the justice system. Since financial institutions are the primary users of the courts for collections, it would be wise to at least consult with those institutions about how to improve the legislation. In the World Bank Report on Doing Business, this area is cited a weak link in judicial system of Jordan.

Modifying the procedural laws, civil and criminal, will require more time. Much of the world's justice systems are involved in these very reforms. For example, every country of Latin America in the past 15 years has abolished the continental criminal procedure inherited from the French, in favor of a more transparent open criminal process. The procedural change also required substantive changes with the prosecutors who took the primary role in investigations from the judiciary and began coordinating directly with the police. New skills were required. Judges were required to be the neutral arbiter between the executive branch's agencies, police and prosecution and the accused citizen's human rights. In addition, there emerged the need to create new rules of evidence for criminal procedure, chain of custody issues had to be addressed bringing more transparency and discipline to criminal process. The entire process of drafting building consensus, passage of legislation, and implementation took several years in every country. Extensive training efforts accompanied the process. Public outreach was made to explain the system has changed from a presumption of guilt to presumption of innocence subject to the prosecution proving guilt.

One can imagine this experience would be repeated in Jordan. Consideration should be given to commissioning a background paper on the current thinking and experience in the criminal and civil procedural reforms. While I appreciate the practice of looking to Egypt for guidance, it

seems very unusual in light of the problems the Egyptian legal systems has experienced. For example, neighboring Turkey has undertaken a number of successful reforms with positive results.

Support for JIJ will continue. It is necessary to integrate the judicial strategy into the training programs of the JIJ. In this manner, the Strategy becomes central and integral to improving the functioning of the system. It most likely will require the development of new curricula. Previously mentioned is the need for curricula on court management and delay reduction. In fact, the Council would be well advised to have requirement for all candidates who seek to become chief Judges to have satisfactorily taken court management and delay reduction curricula prior to their appointment. In this fashion they will develop institutional consistency and the foster the concepts of governance they want the system to run by.

Access to justice and public perceptions of justice requires immediate attention. The Arab Spring reflects dissatisfaction with the delivery of services, protection of rights and unfair treatment of the citizenry. Consideration should be given to conducting analysis of issues through surveys, seminars and background research papers related to access to justice. There needs to be a systemic approach to this topic in order to develop a sound policy on how best to address these issues.

Time is of the essence. Every effort needs to be made now to capture public opinion both informed and those who only have perceptions about the justice system. Judicial systems are always insular and have very creative ways to deny external perceptions and realities. Lawyers almost always only think of their personal interests over the interest of the community and their personal interest is basically money. There needs to be programmatic activities to capture these opinions and introduce them as a part of the Arab Spring movement. Otherwise, we run the risk of having the pressure for change in this moment be dissipated and lost in resistance to change.

Reframing the Judicial Strategy as a response to the Arab Spring must be coupled with the necessary actions to implement the components of the strategy. Thru opinion surveys, seminars, press stories etc the project needs to keep the pressure on for change through the channeling of funds to no's. The justice officials and those in the government have to be confronted with a change movement that is repo siding to the demands of the public for change not just the traditional bureaucratic quarrels for new powers. Civil society needs to have the capacity and tools to monitor progress and maintain the pressure for change. We need to make grants ASAP to effectuate these activities.

One immediate way to promote a greater sensitivity to the needs of the public would be institute the DPKQ10 surveys in all courts on a monthly basis. These surveys were developed to promote the idea of constant feedback from the users of the court services to the providers of court services. They have proven to be effective tools in promoting a greater sense of service and improved performance. In contrast with general public surveys, these are surveys from the actual users of the services.

ENHANCE JUDICIAL PERFORMANCE

In the Court of Cassation in addition to the contemplated activities consideration might be given to creating a fast track process for those litigants who are willing to submit their cases for rapid decision. In such a system there would be close coordination with the technical office and the panels of judges who would agree to act in an expedited fashion. The system could be at the exclusive option of the lawyers.

The Judicial Affairs Unit should be encouraged to create committee of judges who will become the experts in the judicial code of conduct. The committee would be charged with rendering opinions to judges on questions of conduct. The Committee would publish its advisory opinions for all judges to know how they responded to questions put to them. Again the underlying philosophy is to offer assistance to insure excellent performance not merely compliance.

In addition, the JIJ should be tasked with conducting numerous workshops to discuss cases of misconduct and the lessons to be learned from those experiences.

SUMMARY OF RECOMMENDATIONS

ASSIST IN THE DEVELOPMENT OF A NEW ROLE FOR MOJ

MODERN CRIMINAL PROCEDURAL REFORM THROUGH OUT THE WORLD FOCUSES ON
SEPARATING THE PROSECUTION FROM THE JUDICIAL FUNCTION

INTEGRATE THE JUDICIAL STRATEGY WITH THE JUDICIAL BUDGET

ESTABLISH A JIJ PROGRAM ON JUDICIAL ADMINISTRATION, ESPECIALLY FOR NEW CHIEF JUDGES

ASSIST THE JUDICIAL INSPECTION TO FOCUS ON PERFORMANCE AS WELL AS COMPLIANCE

INITIATE LAW REFORM EFFORT WITH ENFORCEMENT OF JUDGEMENTS LEGISLATION

CONDUCT BACKGROUND RESEARCH ON DEVELOPMENTS IN CIVIL AND CRIMINAL PROCEDURAL
REFORM

CONDUCT BACKGROUND PAPER ON ACCESS TO JUSTICE ISSUES IN JORDAN

ESTABLISH A COMMITTEE OF JUDGES TO ASSIST WITH THE IMPLEMENTATION OF THE CODE OF
CONDUCT

C. JA Strategy 2012-2014

Judicial Authority – The Strategy of Building
2012–2014

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A Word from the Chief Justice

Introduction

“We will not be able to enhance Jordan and develop it economically and socially without advancing the judiciary.”

His Majesty King Abdullah II

3 June 2007

The preparation of the Judicial Authority Strategic Plan for the years 2012 - 2014 did not come from a vacuum. It is the natural outcome of the social, economic and democratic development that the Kingdom is witnessing. It also comes from the need to keep abreast with these developments and changes through a comprehensive reform movement in Jordan. This reform provided an environment conducive for enhancing the stature of the judiciary, its independence, and unity such that it always remains capable of fulfilling its enlightened mission and carrying out its solemn duties of protecting the rights of citizens- safeguarding their freedoms and instilling the values of justice and equality while entrenching the principle of the rule of law in the Jordanian society.

The climate of reform in Jordan imposed a new reality for the judiciary. This reality was based on several factors; the most important of which relates to the recent Constitutional amendments pertaining to the judicial authority, where such amendments fortified the separation of powers principle and the building of their institutions. The second factor relates to the letter of His Majesty King Abdullah II to the Chief Justice, the head of the Court of Cassation, dated 29 September 2011. In this letter, the King supported the judiciary and its relation with other state institutions, and reinforced His Majesty's commitment towards the safeguarding of the principle of the separation of powers enshrined in the Jordanian Constitution.

These factors are considered important milestones in the history of the judicial authority, not only because they focus on the independence of the judicial authority, but also because they emphasized the independence of the individual judge in issuing his/her judgment and confined the hiring of judges to the Judicial Council. They also stressed the cooperation between the three powers- the legislative, judicial and the executive.

These factors formed new realities which necessitated the development of a strategic plan for the judicial authority that guarantees the opening of horizons for development, reform, and the transitioning to a bright future filled with confidence and tranquility in Jordan.

Based on the above, the Judicial Authority worked on developing a three-year Strategic Plan for the judicial authority covering the period 2012 - 2014 which translates the new reality of an independent judicial authority that protects justice and supports reform and national development in our beloved Jordan.

2012-2014 Judicial Authority Strategic Development Methodology

The methodology adopted in the development of the Judicial Authority Strategy for the years 2012 - 2014 was based on the following principles:

- a. Benefit from the general development and reform climate prevailing in Jordan and from recent constitutional amendments related to the Judicial Authority.
- b. Analysis of the Royal letter sent to the Chief Justice and president of the Court of Cassation on 29 September 2011.
- c. Adoption of the analytical and participatory approach of:
 - Involving the largest number of judges to solicit their views and opinions;
 - Analyzing the internal and external environment through adopting the SWOT (strengths, weakness, opportunities and threats) analysis approach along with the legislative and institutional framework of the judicial authority;
 - Having the Judicial Council draft the main objectives and activities;
 - Continuous monitoring and evaluation through the development of key performance indicators (KPIs) and pertinent tools to measure KPIs that were set based on the objectives and activities.

a. Benefit from the general development and reform climate prevailing in Jordan and from recent constitutional amendments related to the judicial authority.

The comprehensive government development plans aimed at setting a progressive vision for Jordan across various levels. The Judicial Authority had a significant share of enhancement plans related to development and modernization. Special attention was paid to the legislative process as being the most important tool in establishing justice among people, preserving their rights, and implementing legislation and laws in an effective, just and objective manner. This was reflected in the amendments made to a number of articles in the constitution which were used as a base for developing the strategic plan. Five articles (articles 27, 98, 100, 101 and 109) of the Constitution were amended that emphasized the independence of the judicial authority and promoted the building of judicial systems within the judiciary in a manner that meets development needs and achievement required in this important branch that plays a pivotal role in a democratic system that is based on the separation of powers and in the process of development in all its forms.

The recent constitutional amendments were used as a primary reference in developing the Judicial Authority Strategic Plan for the years 2012 – 2014 whereby these amendments focused on the independence of the judiciary as an independent authority. The important role the constitutional amendments gave to the judicial authority were also accounted for, whereby said amendments provided regular courts the authority to try ministers and the jurisdiction to decide the candidacy validity of House of Deputies members, as well as the establishment of a two-level administrative justice system and the trying of civilians before civil courts.

b. Analysis of the Royal letter sent to the Chief Justice and president of the Court of Cassation on 29 September 2011.

The Royal letter sent to the Chief Justice was used as the basis for developing the vision, mission and the main pillars and objectives of the Judicial Authority strategic planning for the coming three years. Following are the broad guidelines of the Royal directives:

1. His Majesty's vision for a progressive, independent and upright judicial authority that complements all national efforts, safeguards justice, and is the guarantor of equality for all Jordanians before the law.
2. Emphasis on the independence of the Judicial Authority through the endorsement of Constitutional amendments that augment the separation of powers principle guaranteed by the Jordanian Constitution.
3. Reinforce the status of the judiciary through confining the appointment of judges solely to the Judicial Council, according to transparent and specific criteria based on competence and competitiveness as per the Constitutional amendments. Additionally, complete litigation before the Administrative Court involving two levels, so as to augment this basic pillar of justice in litigation between individuals and institutions.
4. Strengthen the capacity of the judiciary and improve various aspects of its institutions, including the provision of human resources and the needed modern technologies; automation is at the forefront of electronically linking courts with other institutions, enhancing efficiency through training, continuous education, and knowledge building. In this context, His Majesty stressed his support for the Future Judges Program that guarantees the continuous building of judicial expertise, that priority be given to training of sitting judges and sending them on advanced and specialized academic scholarships to earn the highest degree of specialization, practical knowledge and exposure to and benefit from high quality regional and international experiences. His Majesty also stressed the need to offer advanced training for quality students to join the judiciary and the prosecution in order to achieve a balance between the number of cases filed at courts and the available number of judges and staff.
5. Improve the judiciary's facilities and infrastructure, to boost its efforts and capacities, and ensure the timely resolution of disputes to safeguard the rights of litigants. This requires the revision of some legislation governing judicial work, aligning the legislation and its amendments with constitutional amendments, to: improve the efficiency of case adjudication, enforce judgments, and reduce caseload before the Courts of Appeal and Cassation by defining the cases that can be brought before these courts.

6. Activate the role of judicial inspection and those in charge of it; provide it with qualified human resources and reinforce the principle of specialization of judges, given that the fast paced developments in the fields of international trade, environment, intellectual property, fighting corruption and domestic violence require specialized and comprehensive knowledge be available in all courts and in a manner that guarantees the accumulation of experiences and the enhancement of the quality of judgments.
7. Align the Judicial Authority's efforts with reform plans aimed at enhancing cooperation between the branches of the state, economic reform efforts, improving competitiveness of national economy vis-a-vis other economies, and advancing Jordan as a rule of law country which is conducive for investors.

c. Adoption of the analytical and participatory approach

The Judicial Council followed a number of generally accepted scientific methodologies in preparing the Strategic Plan and setting the vision and mission for the Judicial Authority and the main pillars and objective of the strategic plan.

The participatory approach was adopted by involving the largest possible number of judges in decision making and soliciting their views and opinions. Following are the broad outlines followed in the preparation of the Strategic Plan:

1. Capacity building of the Administrative Units staff to prepare the Judicial Authority Strategic Plan and develop the necessary operational plans. This was done through training the heads and staff of each of the Judicial Council Administrative Units on the principles and methodologies adopted in preparing Strategic Plans. This will enable them to analyze the status of the judiciary through the SWOT analysis technique, and to draft the vision, mission and objectives based upon the vision of His Majesty and the directives of decision makers. They are also enabled to perform a situational analysis and provide the basic knowledge and skills in this regard to support the Judicial Council in the preparation of Strategic Plans for the future.
2. Revision and analysis of achievements under previous Strategic Plans, annual reports issued by the Judicial Council, and published articles and studies for input in creating outlines of the Strategic Plan for the coming three years.
3. Revision and analysis of the status of the judicial authority using the SWOT analysis techniques to identify the areas of strengths and weaknesses as well as the opportunities available to the Judicial Authority for the advancement of its work to the highest levels of performance.
4. Implementation of a needs assessment among courts to solicit the perspective of current chief judges and sitting judges and identify the gap between the status-quo and the objective needs of courts to enable them to carry out their functions and bridge the gap within the framework of the Strategic Plan for the coming years.
5. Held a three – day workshop that was attended by Judicial Council members, chief judges of appeals and first instance courts, attorney generals, and Administrative Unit directors to discuss and endorse the Judicial Authority's vision, mission and strategic pillars and to develop the broad outline of the main objectives and help formulate them to complement the vision and pillars.

6. Involve a large number of specialists and Administrative Units staff in drafting the strategic pillars, the key objectives included in each pillar, and the activities/ programs to help achieve the goals during the time frame of the plan.
7. Prepare a matrix of the pillars, objectives, activities and programs falling under the Strategic Plan; set performance indicators for all pillars and key objectives and the methodology of measurements.
8. Develop a first draft of the Strategic Plan document in preparation for its endorsement and adoption as ***the*** Strategic Plan to be followed over the next three years.
9. Involving a large number of judges and court staff in preparing the operational plan and setting appropriate implementation timeframes for the activities/programs emanating from the pillars and objectives, defining implementation responsibility, required budgets for each program, implementation mechanism, monitoring, and evaluation.

Executive Summary

A scientific methodology was adopted in preparing and endorsing the framework of the Strategic Plan for the coming three years, which constitutes the vision, mission, pillars and main objectives. Such methodology was adopted so that the Strategic Plan would meet the aspirations of Jordan, His Majesty the King's vision, and the ambitions of decision makers in establishing the basis of the independence of the Judicial Authority and building its institutions and supporting national efforts aimed at reform and comprehensive development.

The Judicial Authority Strategy for 2012 - 2014 includes three chapters, a letter from the Chief Justice, an introduction, work methodology and the executive summary. The three chapters include the following:

Chapter I – Diagnostic and Analysis Results of the Status of the Judiciary during the Past Years

Chapter II – Vision, Mission, Pillars, Objectives and Activities of the Judicial Authority Strategic plan for 2012 - 2014

Chapter III – Table of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 - 2014.

Chapter I – Diagnostic and Analysis Results of the Status of the Judiciary during the Past Years

The components of the internal and external environment of the Judicial Authority were analyzed as a basis for building the 2012 - 2014 Strategic Plan. The analysis covered:

1. Status quo analysis of the Judicial Authority
2. Achievements under previous Strategic Plans
3. Components of the legislative and institutional framework of the Judiciary
4. Components of the environments of key judicial authority stakeholders and beneficiaries of its services
5. Conduct the (SWOT) analysis to derive key areas of strengths, weakness, opportunities and threats.

• Diagnostic Assessment Results of the Judicial Authority Achievements in Terms of Strengths, Weakness, Opportunities and Threats

- **Strengths:** Areas of strength during the implementation of strategy plans pertaining to the institutional framework of the Judicial Authority were as follows:
 - Strong political will for reform
 - Solid base and reference as a result of the accumulation of good achievements resulting from previous Strategic Plans
 - Availability of a strong institutional structure and a longstanding history of the Judicial Authority
 - The existence of qualified expertise that help in the development of an advanced strategy for the Judicial Authority

- **Weaknesses:** Results showed several weaknesses during the implementation of programs, the most important of which pertain to insufficient follow-up and evaluation during the implementation phase as well as weak links with official and unofficial entities, particularly the media. Other weaknesses that were identified included:
 - Weak implementation and follow-up of programs included in the Strategic Plans
 - Lack of coordination in developing relations with local, regional and international stakeholders of the Judicial Authority and the Ministry of Justice
 - Limited education and awareness programs targeting civil society and the public on the role of the Judicial Authority and the rule of law principle
 - Absence of strategic media efforts by the Judicial Authority targeting the public and the media
 - Lack of methodology to provide the necessary legal education in Jordanian education institutions
 - The weak role of the Judicial Authority in communicating and collaborating with the Jordanian Bar Association and in advancing the legal profession
 - The weak role of the Judicial Authority in communicating with law schools at Jordanian universities and supplying its libraries with specialized legal research papers and studies
 - Delay in providing courts with documents issued by government bodies that are needed in litigation procedures
 - Automation of execution department and the electronic archiving system was not implemented
 - Lack of qualified staff in judicial execution departments
 - Absence of a procedures manual for working with different enforcement cases in courts
 - Lack of compliance with proper notification procedures
 - Lack of comprehensive and updated libraries in all courts and justice sector establishments
 - Failure of many judicial facilities and infrastructure to project the important status and role of the judiciary in society
 - Weak activation of communication channels between the courts and justice institutions on one hand and other relevant government institutions, such as the Department of Lands and Survey, banks, the Ministry of Industry and Trade . . . etc, on the other

- Absence of general policies that guarantee tenure for judges
- **Opportunities and Threats:** Results showed that the main opportunities for the Judicial Authority to develop and advance the reform is first the royal patronage and support of the judiciary and its role; second the existence of political will; and third, the concerted national efforts, including that of the executive and legislative branches, and their interaction with the movement of development and reform. The challenges that faced the implementation of programs and activities falling under previous strategic plans can be summarized as follows:
 - Lack of complete independence of the judiciary, particularly in relation to finance, human resources and infrastructure
 - Weak local, regional and international relations with the Judicial Authority.
 - Lack of cooperation of local media organizations in spreading the rule of law culture and building awareness on the role of the judiciary in achieving justice for the public
 - Lack of cooperation of state institutions, syndicates and civil society organizations in achieving the vision and mission of previous justice sector strategic plans
- **Diagnostic Assessment and Analysis of the Legislative Framework Governing the Judicial Authority**

The legislative framework was analyzed by describing the status quo of legislation regulating the judicial work and determining the points of strength and weakness, as well as opportunities and threats. This was done in order to define the legislative needs for the work of the Judicial Authority in order to enhance them. Additionally, pivotal issues, which the strategic plan will tackle, were also defined.

 - **Strengths in Relation to the Legislative Framework**

Results showed that the key points of strength pertaining to the legislative framework of the Judicial Authority lie in the presence of high flexibility in dealing with new developments, constitutional amendments and the comprehensive reform movement the Judicial Authority is currently witnessing. Other strengths are summarized as follows:

 - The Royal vision for an independent Judicial Authority and the personal independence of judges, where the Judicial Authority serves as the guardian of justice and complements national efforts with a balanced separation of powers.
 - Confirmation of the Jordanian Constitution on the individual independence judges; judges are independent and not subject to any authority except that of the law.
 - The existence of a Judicial Council that represents the Judicial Authority which is independent from the executive and legislative branches, and which oversees the affairs of judges in terms of appointment, duties, promotion, transfer, secondment, resignation and trial and discipline.
 - Work is underway for the issuance of an Administrative Justice Law that includes the establishment of a two-level administrative judiciary.
 - Development of an amended Administrative Units Regulation.

- **Weaknesses in Relation to the Legislative Framework**

Several weaknesses were identified in the legislative framework; the most important of which relates to legislation regulating the work of the Judicial Authority and its institutions, which are predominantly old and require development and updating to become congruent with the developments taking place in the judicial field. Following are the key weaknesses identified in this regard:

- Legislation that affects the personal independence of judges
- Laws and legislation that regulate court operations are not improving its functions
- Absence of a legislative framework that establishes a relation between the Judicial Authority and the Ministry of Justice in infrastructure development of courts, court staff development and enhancement of support functions
- Lack of a law specific to public prosecution
- Legislation governing judicial inspection is not in line with its required roles
- Absence of specialization among the public prosecutors
- There is a need for developing legislation that regulates the work of the prosecution body
- Weak coordination and collaboration between the public prosecution and security apparatuses and relevant state institutions
- There is a need for enhancing the law governing the promotion of judges in order to develop their performance
- Legislation related to litigation procedures does not encourage the expedited settlement of cases

- **Diagnostic Assessment of the Institutional Framework of the Judicial Authority**

The institutional framework analysis included defining the status quo under which the judicial authority functions, identifying areas of strengths and weaknesses among each of the institutions falling under the Judicial Authority and the Ministry of Justice (regular courts, Judicial Council, Judicial Inspection, Public Prosecution, State Lawyer Department, Technical Office, Judicial Institute, and the Administrative Units). Following is the summary of the key areas of strengths and weaknesses pertaining to the institutional framework in general, as well as the opportunities and threats facing it:

- **Strengths in Relation to the Institutional Framework**

- Availability of mediation departments as an alternative dispute-resolution mechanism
- Separation of civil and criminal judges in First Instance, Appeals and Cassation Courts

- Availability of a media and awareness building strategy adopted by the Administrative Units (falling under the Judicial Council)
- Constitutional Amendments
- Coherence and shared vision among Judicial Council members
- The high competence and longstanding experience of the Chief Justice and Judicial Council members that helps to manage the Judicial Authority effectively and ably
- The high level of competence, experience and integrity among members of the Judicial Inspection body which guarantees accuracy in judging performance
- The presence of criteria that govern the Judicial Inspection body based on performance assessment
- Public prosecutors are well-versed in relevant laws
- Qualified judges at the Technical Office
- Candidates with exceptional qualifications study at the Judicial Institute of Jordan
- Existence of training and preparatory programs for Administrative Units staff

○ **Weaknesses in Relation to the Institutional Framework**

- Weak development and enhancement plans for the Notary Public Department, units providing certification of no criminal convictions, notifications departments, information services and coordination officers at courts
- Variations between courts in procedures adopted and level of services provided to the public
- Judicial specialization is not adopted in all courts
- The establishment of mediation departments in all First Instance courts has not been completed
- Absence of the necessary infrastructure and technical means at conciliation courts
- Weak implementation and follow-up of Strategic Plan programs
- Weak application of good governance principles and quality assurance systems
- The Judicial Inspection is under the Ministry of Justice
- There is no full compliance among the Judicial Inspection body with the endorsed Judicial Inspection criteria covering the legal and behavioral aspects of judges
- Lack of specialization in the Judicial Inspection function
- Judicial inspection is only linked to promotion
- The Chief Judge has no role in the performance evaluation of judges
- There are no clear rules and basis for the selection of Prosecutors
- Specialization with the Prosecution body is not implemented
- Weak relations between the public prosecution, police departments, judicial enforcement, rehabilitation, and correctional facilities
- Weakness in the method and ways of appointing State Lawyer assistants
- Lack of judges at the Technical Office
- Incompatibility between training courses and the career path for judges and staff

- Training programs are weak in terms of meeting the training needs of judges and staff
- No technical training in specialized areas
- Weak training programs targeting Administrative Units staff in all topics
- Weak awareness among judges of the Administrative Units role within the Judicial Authority.

- **Opportunities and Threats in Relation to the Legislative and Institutional Frameworks**

The opportunities available for developing the judiciary, enhancing its performance and instilling institutional and legislative independence of the judiciary and the individual independence of the judges, are enormous and on solid ground. These opportunities relate to the current environment that supports the Judicial Authority, enhancing its performance according to latest standards as the guardian of justice and complementary to national efforts towards comprehensive reform including constitutional amendments and sustainable development. In addition, the pursuit of establishing the independence of the judiciary opens wide horizons towards efficient justice under a rule of law state; if justice is the basis of governance, the independence of the judiciary is the foundation of justice.

As for the challenges facing the judicial authority, they are numerous and keep surfacing as a result of the technological and informational development and the emergence of economic, financial, political and social complexities that continually require new legislation and require judicial specialization and specialized judges capable of resolving specialized cases brought before them. Following are the opportunities and threats facing the judiciary:

- **Opportunities in Relation to the Legislative and Institutional Frameworks**
 - Constitutional amendments emphasize the independence of the Judicial Authority
 - His Majesty's vision for the independence of the judicial authority in all its resources and operations
 - Amending relevant legislation in a manner congruent with the independence requirements of the Judicial Authority
 - Enhanced awareness of the importance of the justice sector and its main functions and services
 - Presence of a conducive national environment for increasing effective communication between the Judicial Authority, its institutions, and the other relevant government entities whose work is related to that of the judiciary
 - Presence of a favorable environment for communicating and working with the Jordanian Bar Association to advance the legal profession in Jordan
 - The potential for collaborating with media of all forms to implement legal education and awareness programs, highlight the role of the

- Judicial Authority and the rule of law, and underline the role of the judiciary in building and developing the Jordanian society
 - Benefit from advanced Arab and international experiences in the development of court operations
 - Availability of donor agencies
 - **Threats in Relation to the Legislative and Institutional Frameworks**
 - The budget and resources of the Judicial Authority fall under the ambit of the Ministry of Justice
 - The appointment and management of the support staff at courts falls under the Ministry of Justice
 - Infrastructure development and management are out of the Ministry of Justice functions
 - Judicial inspection falls under the Ministry of Justice
 - Members of the public prosecution body are administratively linked to the Ministry of Justice
 - The Judicial Institute of Jordan is linked to the Ministry of Justice
 - Weak awareness among civil society and the public of the role of the Judicial Authority and the concept of the rule of law

Chapter II – Vision, Mission, Pillars, Objectives and Activities of the Judicial Authority Strategic Plan for 2012 - 2014

The methodology for developing the Strategic Plan was built such that it would be in line with the constitutional amendments and embodies the vision of His Majesty towards an independent judicial authority. It was also based on the principle of partnership in decision-making related to the vision and mission of the judicial authority, the linking of strategic objectives with the aspirations and goals of decision makers within the judiciary, and their focus of defining the strategic tracks for the coming three years.

The outcome of activities carried out during the preparation of the Strategic Plan, was the endorsement of the vision, mission, pillars and key objectives of the Judicial Authority Strategic Plan by the highest levels within the Judicial Authority as follows:

- **Judiciary's Vision for the Strategy of Building (2012 - 2014)**

The vision was drafted in line with the vision of His Majesty- towards an independent judiciary that meets the future aspirations of decision makers within the judiciary and that takes into account Strategic Plan components which include the vision and mission on one hand and the Strategic Pillars and objectives on the other.

Vision: “An independent Judicial Authority that safeguards justice, complements national efforts and enhances public confidence.”

Following are the key features of the strategic vision of the judiciary:

1. The vision emphasized the independence of the judiciary, as one of the three branches of the state, and on equal footing with the executive and legislative powers. The independence of the Judicial Authority and the balanced separation of powers are closely linked to the issue of justice and the rule of law in the society and are considered the safety valve of litigants. The relation between judicial independence and justice (the guardian of justice) is inseparable.
2. The vision of the Judicial Authority defined the complementary relationship between judicial development, judicial independence and the application of justice for all principles, with national economic reform efforts, increased competitiveness of national economy, integrated development, and the advancement of Jordan as a rule of law country which assures investors of the quality of the judicial system.
3. The vision also focused on the importance of gaining public confidence in the judiciary and accounting for public opinion, requiring the continuous monitoring of its trends vis-à-vis the judiciary, its justice, its speedy resolution of cases and the granting of each his/her rights within a rule of law state.

- **Judiciary’s Mission for the Strategy of Building (2012-2014)**

The mission of the Judicial Authority included the enhancement of the performance level of courts through a competent and independent institutional framework and qualified and specialized cadres, which would support judicial independence and integrity. A judicial system that delivers justice in a highly effective and timely manner establishes a basis for public confidence and respect for the rule of law.

Mission: A fair, impartial, competent, effective and outstanding Judicial Authority, trusted by the society and is the guarantor of rights and freedoms, founded on the rule of law and the state’s powers, supporting reform and integrated development efforts through an institutional framework, with qualified and specialized human resources”.

Attributes of the Judicial Authority’s mission:

1. Emphasis on the principle of the rule of law, the timely disposition of cases, resorting to law in the resolution of disputes, guaranteeing the rights and freedoms of individuals, and enhancing public confidence in the fairness and integrity of the Judicial Authority.
2. Complementarity of work between the state entities and the Judicial Authority in support reform and integrated development efforts.
3. The Judicial Authority’s vision and mission is implemented through its institutions and qualified and specialized human resources.

- **Pillars and Main Objectives Under Each Pillar of the Judicial Authority Strategic Plan for the Years 2012 - 2014**

Based on the study and review of the status quo of the judiciary through the SWOT analysis, the areas of strength, weakness and threats that face the judiciary during its long course, which is rich with achievements, were identified. Furthermore, the opportunities available for development and staying current with the new developments in laws governing economic, political and social life and the constitutional reform movement the country is witnessing, were also examined.

Six pillars were endorsed as the main goals of “the building of the Judicial Authority Strategy” for the coming three years (2012 - 2014) such that they would be complementary to the vision and mission, translate His Majesty’s vision for an independent judiciary, and respond to the legislative and institutional requirements of an independent judicial authority. A number of objectives emanated from each pillar:

Pillar (1) – Set the Principles of Judicial Independence and Build its Institutions

1. Enhance institutional independence of the judiciary
2. Provide a judicial environment supportive of the individual independence of judges.
3. Strengthen the capacity of the Judicial Inspection body and develop its work methodology.
4. Build the institutional capacity of the Judicial Institute of Jordan
5. Strengthen and enhance the role of Administrative Units to support the work of the Judicial Council
6. Strengthen and develop the Technical Office
7. Strengthen and develop the capacity of the State Lawyer Department

Pillar (2) – An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence

1. Enhance the capacity of judges by building their knowledge and skills
2. Develop the monitoring and accountability system of the Judicial Inspection according to objective and effective basis
3. Improve the quality of court judgments
4. Reduce litigation time
5. Guarantee the speedy enforcement of completed cases to achieve timely justice
6. Reduce the caseload of courts and improve its performance
7. Develop the administrative justice system

Pillar (3) – Achieve an Efficient Criminal Justice System According to Latest Criteria

1. Strengthen the public prosecution body and enhance the capacity of its judges
2. Develop the “criminal justice” system

3. Institutionalize the relation between the public prosecution and security apparatuses and other relevant institutions
4. Develop and modernize legislation governing the work of the public prosecution
5. Develop the legislation governing criminal trial proceedings

Pillar (4) – Institutionalize the Relationship between the Judiciary and the Ministry of Justice

1. Establish a complementary institutional relation between the Ministry of Justice and the Judicial Authority based on constitutional amendments and developing pertinent draft laws
2. Put mechanisms in place to coordinate the relationship between the Ministry of Justice and the Judicial Authority that covers:
 - Annual budget
 - Court infrastructure and services
 - Court support staff
 - Public and international relations
 - Information technology and communication
 - Other development projects
3. Guarantee the implementation of the Strategic Plan of each of the Judicial Authority and the Ministry of Justice
4. Enhance the services provided to the public at courts in coordination with the Ministry of Justice

Pillar (5) – Enhance Communication Channels between the Judicial Authority and Other Institutions

1. Institutionalize cooperation with the Jordanian Bar Association
2. Enhance cooperation and coordination with law schools
3. Enhance cooperation and coordination with civil society organizations
4. Activate and develop relations with the media
5. Develop work procedures with government institutions and security apparatuses

Pillar (6) – Contribute to Building Public Confidence in the Rule of Law

1. Contribute to guaranteeing access to justice
2. Contribute to integrating the legal culture within the educational systems
3. Contribute to building public awareness on the role of the Judicial Authority and its judicial upgrade efforts
4. Contribute to building awareness of citizen's rights, duties, basic freedoms and their equality before the law under a rule of law state

• **Performance Indicators and their Measurement**

Performance indicators are considered one method of measuring the success of the Judicial Authority in achieving its set goals through the strategy that outlined the vision of the Judicial Authority, which is the vision of His Majesty King Abdullah II, and the main pillars, goals and

activities and programs emanating from it. Performance indicators pertinent to the Judicial Authority were set based on the nature of the functions and roles entrusted to it, and which are reflected in the Judicial Authority Strategic Plan and its measurement tools.

Chapter III – The Matrix of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 - 2014

The matrix links objectives to the legislative program, the training programs, and programs related to institutional capacity building, human resources, the studies, research, plans and opinion surveys program, and the education and awareness program for each pillar of the Judicial Authority Strategy for the years 2012 – 2014.

Chapter 1

Status Quo Analysis for the Judicial Authority Strategic Plan for the Years 2012 – 2014

Status Quo Analysis for the Judicial Authority Strategic Plan for the Years 2012 – 2014

The strategic analysis of the Judicial Authority's internal and external environments comes as a basic phase in the development of the 2012- 2014 Strategic Plan. The diagnostic analysis phase covered:

1. Status quo analysis of the Judicial Authority
2. Achievements under previous Strategic Plans
3. Components of the legislative and institutional framework of the judiciary
4. Components of the environment of key judicial authority stakeholders and beneficiaries of its services
5. Conduct the (SWOT) analysis to derive key areas of strengths, weakness, opportunities and threats

The Strategic Planning team used the following as a reference in conducting said analysis:

1. Analysis of the outcome of previous Strategic Plans
2. The outcome of the Needs of Courts Workshop that was conducted during 24–25/9/2011 and was attended by H.E. the Chief Justice, H.E. the Minister of Justice, Chief Judges of appeals and First Instance courts, and the heads and staff of the Judicial Council Administrative Units
3. In conducting the analysis, the Strategic Planning team used the outcomes of the workshops and the brainstorming sessions that were implemented by the Judicial Council Administrative Units team for analyzing the internal and external environment of the Judicial Authority. The outcomes of the analysis came in line with the status quo, which was conducted by focusing on all areas of weakness and opportunities rather than highlighting strengths and challenges

The strategic gap between the status quo and the future vision of the Judicial Authority was identified. In addition, the key areas and strategic issues pertinent to the future of the Judicial Authority were also defined. Following are the outcomes of the strategic diagnostic analysis:

First: Diagnostic Assessment of Past Achievements:

When His Majesty King Abdullah II assumed power, he gave the Judicial Authority special attention. When comprehensive development plans were launched in Jordan, the plans covered the Judicial Authority. His Majesty ordered, on 29/ 8/ 2000, the formation of the Royal Committee for Judicial Development, to assess the situation of the judiciary in Jordan and provide recommendations for enhancing the legal and institutional capacity of the judiciary in accordance with best international practices.

1. Analysis of the Judicial Status Quo through the Implementation of its Strategic Plans

In response to the Royal initiative to develop the judiciary through the Royal Committee which was formed for this purpose, the Ministry of Justice launched a series of Strategic Plans. These plans aimed at developing the judiciary, enhancing its performance, reducing load on judges, shortening litigation duration, developing the monitoring and accountability system of Judicial Inspection, modernizing court infrastructure and instilling principles of justice and equality, among others. Following are the main features of these plans:

- a. **The Three-year Strategic Plan for the Years 2001 – 2003:** The three-year Strategic Plan for developing the judiciary reflected His Majesty's vision for enhancing the judiciary, which he outlined through the Royal letter sent to the Prime Minister on 29/ 8/ 2000 in which he tasked him to form a Royal Committee concerned with upgrading the judiciary and its support functions.
- b. **Judicial Upgrading Strategy for the Years 2004 – 2006:** The Judicial Upgrading Strategy (JUST) for the years 2004 – 2006 reflected His Majesty's vision for the judiciary and education to be the basis for the future of democracy, political and economic reform, and sustainable development. It focused on improving the overall performance of the judiciary in Jordan, enhancing its role in supporting civil society and economic competitiveness of Jordan, while at the same time safeguarding its independence and integrity. Around 600 projects emanated from the strategy, some of which were implemented and some are still under implementation. The strategy was presented at the First Judicial Conference in June 2004, and included such pillars as Judicial Integrity and Independence; the Enhancement of the Judicial System; Efficiency and Effectiveness; and Judicial Inspection and Monitoring.
- c. **Judicial Upgrading Strategy for the Years 2007 – 2009:** The Judicial Upgrading Strategy (JUST) for the years 2007 – 2009 aimed at enhancing the efficiency of litigation procedures and the enforcement of judgments, continuing programs that promote judicial independence, national competitiveness of Jordan's economy, and alignment with best international practices; as well as building the capacity of the Ministry of Justice. These objectives were based on the agreed-upon national priorities that came in the We Are All Jordan document and the National Agenda programs. The Plan included activities such as the reduction of caseloads at courts through the establishment of mediation departments at two large first instance courts, the Zarqa and Irbid First Instance courts, in order to resolve civil disputes outside courts. It also included specialized training programs for judges covering priority areas and continuous legal education programs at the Judicial Institute of Jordan for judges, prosecutors and state lawyer assistants. In addition, activities regarding court infrastructure, activating joint collaboration with key stakeholders such as the Jordanian Bar Association, the Public Security Directorate, and others were included.

Additionally, the 2007 - 2009 Strategic Plan was consistent with the efforts of the government to improve the capacity of the Ministry of Justice and the Judicial Council in meeting the needs and responding to the inquiries of target groups in relation to the

judiciary and improving internal communication at the Ministry of Justice. This included communication with court staff and judges and the development of mechanisms that support communication and public relations both internally and externally. Furthermore, the plan aimed at increasing public awareness of the role of the judiciary and development and reform efforts. The communications and public relations strategy was to support the Judicial Upgrade Strategy, assist in meeting the needs of the Ministry of Justice and the Judicial Council in the area of communications and public relations on a broad level, and enhance communications and public relations on the internal and external levels.

- d. **Judicial Upgrade Strategy for the years 2010 – 2012:** The Judicial Upgrading Strategy (JUST) for the years 2010 – 2012 is the third JUST strategy since 2004. It aimed at supporting the enforcement of judgments, the provision of legal services through specialized staff, activating modern procedures and techniques for the protection of rights, liberties and contributing to the continuity of the society and its safety. It also aimed at improving the investment climate according to principles of equality, integrity, competence and fairness, establishing a competent judiciary with capable staff, quality judgments, efficient procedures and services, and a vision that is based on achieving justice and reinforcing the rule of law principle. This strategy included five pillars:
- **Pillar 1 - Enhance Judicial Independence and Integrity:** Through enhancing the individual independence of judges and amending the Judicial Independence Law such that the goal was to guarantee the institutionalization of rules governing judges' affairs and their enhancement, and developing mechanisms that would enhance judicial conduct. This would further enhance the institutional independence of the judiciary. In the field of enhancing integrity of the judiciary, the pillar focused on strengthening the role of Judicial Inspection, improving the accountability system, amending the Judicial Independence Law to guarantee the immunity and impartiality of inspectors, and the annual inspection over all judges subject to inspection.
 - **Pillar 2 – Enhance Competence:** Through developing the knowledge and skills of judges and their assistants by continuous and specialized training of both.
 - **Pillar 3 – Improve Judicial System Efficiency:** Through developing work procedures at the Court of Cassation by issuing the Technical Office Regulations and providing it with judicial and administrative personnel, amending the Regular Courts Formation Law, and amending the Court of Higher Justice Law relating to work organization and reviewing its decision in specific cases. Measures proposed under this pillar also included the caseload reduction for courts of appeal through expanding the mandate of First Instance courts in the capacity of appeal court in both civil and criminal cases, reducing litigation duration through unifying procedures before first level courts, and amending the Regular Courts Formation Law.
 - **Pillar 4 – Develop Court Services and Infrastructure:** Several programs were launched including the establishment of an automated criminal records registry, the electronic issuance of non-conviction certification, electronic stamps, establishing links with the Civil Status Department, the Public Security Directorate, Department of Lands and Survey, the Ministries of Finance, Industry and Trade, and activating web search by attorneys on their cases. Programs

implemented under this pillar also included the development of enforcement procedures of other bodies, reengineering and automating processes at civil and criminal enforcement departments, improving records and case file management to enhance security and facilitate retrieval and tracking, and activating quality control systems over the functions of the courts' departments.

- **Pillar 5 – Strengthen Communication Channels with Government and Civil Society Stakeholders:** This aimed at building public awareness on the role of the judicial authority and judicial development efforts.

2. Strengths and Weaknesses:

After reviewing the achievements of the Strategic Plans implemented over the past 10 years, a SWOT analysis was conducted covering the internal and external environments. Following is an extensive review of the areas of strengths and weakness within the Judicial Authority in relation to programs implementation:

- **Strengths:** During the implementation of the Strategic Plans, areas of strength were related to the appropriate institutional structure of the judiciary and the competence of judges as follows:
 - Strong political will for reform
 - Solid base and reference as a result of the accumulation of positive achievements resulting from previous Strategic Plans
 - Availability of a strong institutional structure and a longstanding history of the Judicial Authority
 - The existence of qualified expertise that helped in the development of an advanced strategy for the Judicial Authority
- **Weaknesses:** Results showed weaknesses during the implementation of programs falling under the Strategic Plans, the most important of which pertain to the lack of follow-up and evaluation during the implementation phase and weak links with official and unofficial entities, particularly the media. The main weaknesses identified were:
 - Weak implementation and follow-up of programs set forth in the Strategic Plans
 - Weak coordination in developing relations with local, regional and international stakeholders of the Judicial Authority and the Ministry of Justice
 - Limited education and awareness programs targeting civil society and the public on the role of the Judicial Authority and the rule of law principle
 - Absence of strategic media efforts by the Judicial Authority targeting the public and the media
 - Lack of a methodology that provides the necessary legal education in Jordanian educational institutions
 - The weak role of the Judicial Authority in communicating and collaborating with the Jordanian Bar Association and in advancing the legal profession
 - The weak role of the Judicial Authority in communicating with law schools at Jordanian universities and supplying its libraries with specialized legal research papers and studies

- Delay in providing courts with documents issued by governmental bodies that are needed in litigation
- Automation of the execution department and the electronic archiving system was not implemented
- Lack of qualified staff in the judicial execution departments
- Absence of a procedures manual for working with different enforcement cases
- Lack of compliance with proper notification procedures
- Lack of comprehensive and updated libraries in all courts and justice sector establishments
- Failure of many judicial facilities and infrastructure to project the important status and role of the judiciary in society
- Weak activation of communication channels between the courts and justice institutions on one hand and other relevant government institutions, such as the Department of Lands and Survey, banks, the Ministry of Industry and Trade . . . etc, on the other
- Absence of general policies that guarantee tenure for judges

3. Opportunities and Threats

Results showed that the main opportunities for the Judicial Authority to develop and advance the reform forward is: the Royal patronage and support of the judiciary and its role; the existence of political will; and the concerted national efforts, including that of the executive and legislative branches, and their interaction with the movement of development and reform. The challenges that faced the implementation of programs and activities included under previous strategic plans can be summarized as follows:

- Weak local, regional and international relations with relevance to the Judicial Authority.
- Lack of cooperation of local media organizations in spreading the rule of law culture and building awareness on the role of the judiciary in achieving justice for the public.
- Lack of cooperation of state institutions, syndicates and civil society organizations in achieving the vision and mission of previous justice sector strategic plans.

Second: Diagnostic Analysis of the Legislative Framework Governing the Judicial Authority

The legislative framework was analyzed by describing the status quo of legislation regulating the judicial work and determining the points of strength and weakness, as well as the opportunities and threats. This was done in order to define the legislative needs for the work of the judicial authority in order to improve them. Pivotal issues which the strategic plan will tackle were also defined.

1. Description of the Current Legislative Framework of the Judicial Authority

The legislative framework is the set of legislation in force governing the work of the Judicial Authority in Jordan, including the Constitution, laws, regulations and instructions. The legal framework, however, is the base for regulating the functions of the judiciary, including the Judicial Council and the institutions falling under it, such that all decisions issued and measures taken are consistent with the legislation governing the work of the Judicial Authority.

The legislative framework is also the set of legislation that governs and clarifies the powers and responsibilities of the Judicial Authority, govern work mechanisms, determine lines of authority and powers, and present principles of accountability and review. It is a primary reference that governs work, without which there would be no legitimacy of specialization, mandates and performance. This framework includes the following:

1.1 The Constitution

The Jordanian Constitution regulates the provisions related to the Judicial Authority in chapter six, articles 97 through 110 in addition to article 27 as outlined below:

- Article 27 of the Constitution states that “The Judicial Power shall be exercised by the courts of law in their varying types and degrees. All judgments shall be given in accordance with the law and pronounced in the name of the King.
- Pursuant to article 97 of the Constitution, judges are independent; in the exercise of their judicial functions, and they are subject to no authority other than that of the law.
- Pursuant to article 98 of the Constitution, judges of the Civil and Sharia Courts shall be appointed and dismissed by a Royal Decree in accordance with the provisions of the law. Accordingly, the Judicial Council handles all affairs related to regular court judges, while the hiring and dismissal of judges shall be based on a Royal Decree, and that only the Judicial Council shall have the right to appoint regular judges in accordance with the law.
- Article 99 of the Constitution specified the types of courts: regular (civil) courts, religious courts and special courts.
- According to article 100 of the Constitution, the establishment of the various courts, including their categories, divisions, jurisdiction and administration shall be by virtue of a special law, requiring that such law provides for the establishment of a High Court of Justice, whose law shall state that the administrative judiciary should be at two levels.
- According to article 101 of the Constitution, the courts shall be open to all and shall be free from any interference in their affairs. No civilian may be tried in a criminal case before a court whose judges are not all civilians, with the exception of crimes of high treason, espionage, terrorism, drug crimes and counterfeit currency. Court hearings shall be public, unless the court decides otherwise, in the interest of public order or morals. In all cases, however, verdicts shall be pronounced during a public session. Furthermore, the accused is innocent until proven guilty.
- Pursuant to articles 102 and 103 of the Constitution, regular courts in the Hashemite Kingdom of Jordan shall have jurisdiction over all persons in all matters, civil and

criminal, including cases brought by or against the Government, except those matters in which jurisdiction is vested in Religious or Special Courts in accordance with the provisions of the present Constitution or any other legislation in force.

- Regular Courts shall exercise their jurisdiction pertinent to civil and criminal matters in accordance with the laws in force, provided that, in matters affecting the personal status of foreigners or in matters of civil or commercial nature which, in accordance with international norm, are governed by the law of another country, such law shall be applied in the manner designated by the law. Matters of personal status are those that are defined by law and in accordance therewith fall within the exclusive jurisdiction of the Sharia Courts where the parties are Muslims.
- According to articles 104, 105 and 106 of the Constitution, Religious Courts are divided into: Sharia Courts and the Tribunals of other Religious Communities; Sharia Courts shall, in accordance with their own laws, have exclusive jurisdiction in respect of matters of personal status of Muslims, cases concerning blood money (Diya) where the parties are Muslims or where one of the parties is not a Muslim and the two parties consent to the jurisdiction of the Sharia Courts, and matters pertaining to Islamic Waqfs. Sharia Courts, in the exercise of their jurisdiction, apply the provisions of the Sharia law.
- According to articles 108 and 109 of the Constitution, the Tribunals of Religious Communities are those for non-Muslim religious communities, which have been or will be recognized by the Government as established in the Hashemite Kingdom of Jordan. Tribunals of Religious Communities shall be established in conformity with the provisions of relevant laws. Such laws define the jurisdiction of such Tribunals in matters of personal status and Waqfs (religious bequest or endowment) constituted for the benefit of the community concerned. Matters of personal status from any such community shall be the same, as in the case of Muslims, within the jurisdiction of the Sharia Courts. Such laws shall determine the procedure to be followed by the Tribunals of the Religious Communities.
- Pursuant to article 110 of the Constitution, Special Courts exercise their jurisdiction in accordance with the provisions of the laws constituting them.

1.2 Judicial Independence Law

The topic of judicial independence is closely linked to the issue of justice, equality, the balance of freedom within a society, as well as the safety valve of the principle of the rule of law. Judicial independence does not mean separation from the other branches, but rather finding a balance between them. According to the Judicial Independence Law in Jordan, the judiciary is independent, specialized and neutral and standing on equal footing with the executive and legislative branches. In addition, the Judicial Independence Law stipulated the formation of the Judicial Council- outlining its duties, meetings and meetings quorum, and voting. It also outlined the Judicial Council's powers with respect to overseeing the affairs of judges. The Judicial Council also has a role in putting forward legislative suggestions relating to the judiciary, the prosecution and litigation procedures. The government solicits its views with regards to draft laws in said areas. The Judicial Independence Law also addressed issues related to judges' appointment, duties, promotion, transfer, secondment, resignation, trial and disciplining, as well as the organization of a judicial inspection.

1.3 Individual Independence of Judges

The Jordanian Constitution stresses the individual independence of a judge; judges are independent and subject to no authority other than that of the law. Government has no authority to interfere in the judiciary. The norm is for the judge to be independent. Any infringement on this would affect the dignity of the judiciary. Any interference of the judiciary by any of the other two branches of authority would disrupt the balance of justice and undermine the basis of ruling. Justice is the basis of governance, and the law guarantees the independence of judges. The law is but a step in this regard and must be followed by many others. It is the duty of judges themselves to continue what international conventions today call for and which prohibit interference in cases and assure judges complete freedom in deciding on cases, without the influence of the executive and the legislative branches.

1.4 The Regular Courts Formation Law No. 17 of 2001

Pursuant to article 2 of the Regular Courts Formation Law, the regular courts in Jordan exercise the right to try all persons in all civil and criminal matters, with the exception of matters falling under the jurisdiction of religious court (tribunals) or special courts according to the provisions of any other law.

The Regular Courts Formation Law addresses the types of courts, their levels and jurisdiction. It covers Conciliation Courts, their formation, how its hearings are held as well as their jurisdiction. It also covers First Instance courts, their jurisdiction, establishment of specialization within said courts, and how hearings are held. It also covers the formation of Courts of Appeal, their jurisdiction, establishment of specialization within the courts, and how hearings are held, as well as the establishment of the Court of Cassation, how its hearings are held, its jurisdiction and specializations within it. In addition, the Courts Formation Law addressed the establishment of the Technical Office at the Court of Cassation.

The Regular Courts Formation Law regulated the public prosecution by stating that a judge holding the title of Prosecutor General shall be appointed at the Court of Cassation and would perform the functions of the general prosecution before the Court of Cassation. It also stipulated that, at each court of appeal, a judge holding the title of the Attorney General would be appointed to exercise all the powers granted to him / her in the Criminal Procedures Code and other laws. Furthermore, it provides that at each First Instance court, a judge (or judges) holding the title of Public Prosecutor would be hired. In addition, each Attorney General and Prosecutor General will have assistants with powers conferred upon them. In addition, the law governs the specializations of attorney general representatives, each within his / her jurisdiction.

The Regular Courts Formation Law regulates the State Lawyer Department. The State Lawyer is appointed by the Judicial Council upon the nomination of the Minister of Justice, from among the higher-level judges; the Judicial Council appoints assistants to the State Lawyer. Furthermore, the law also regulates the jurisdictions of the State Lawyer and his / her assistant.

1.5 A Number of Laws Stipulated the Establishment of Courts

There are a number of laws that stipulate the establishment of courts, such as the Major Felonies Court Law (the Major Felonies Court), the Income Tax Law (the First Instance Income Tax Court and the Appeals Income Tax Court), the Customs Law (the First Instance Customs Court and the Appeals Customs Court), the Lands and Water Settlement Law (the Lands and Water Settlement Court), and the Law for Preserving the State's Lands and Property.

1.6 Several Regulations Pertain to Judicial Work

There are several regulations related to the work of the judiciary, including:

1.6.1 Judicial Inspection Regulations

The function of Judicial Inspection is regulated pursuant to the Judicial Inspection Regulations. It regulates the inspection of judges, members of the prosecution body, State Lawyer assistants, and execution judges, with the exception of higher-level judges. It also covers: the evaluation of judges' work in terms of the proper application of the law, the fulfillment of litigation and evidence procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, determination of the annual clearance rate of each judge, and the inspection of the public prosecution, execution departments, the State Lawyer Department, notary public departments and court staff.

1.6.2 Technical Office at the Court of Cassation Regulations

The Technical Office provides legal, technical and administrative support to the Court of Cassation. This includes the classification of cases and motions filed before it and their distribution among judicial chambers, according to specialization. Its function also includes the provision of judicial chambers with needed legislation, past judgments and precedents related to each case according to its type and subject matter, as well as any legal studies and research it may need. Furthermore, it draws legal principles based on the decisions and judgments issued by the Court of Cassation, classifies them and undertakes necessary measures to facilitate their publication. It also carries out the function of analyzing judicial precedents, and the provision of necessary studies and opinions to the President of the Court

of Cassation, which would contribute to the establishment of legal principles. It also provides courts with the legislation and legal precedent that the Director perceives as necessary to be disseminated, as well as any other functions or tasks assigned by the Judicial Council or the President of the Cassation Court.

1.6.3 Judicial Council Administrative Units Regulations

The Judicial Council Administrative Units Regulations regulate the work of the Administrative Units at the Judicial Council and the functions and mandate of each.

1.6.4 Judicial Institute of Jordan Regulations

The Judicial Institute of Jordan Regulations implement the establishment of the Institute and outline its objectives and method of its administration and management.

2. Strengths, Weaknesses, Opportunities and Threats in Relation to the Judiciary's Legislative Framework

2.1 Strengths in Relation to the Legislative Framework

Results show that the key points of strengths pertaining to the legislative framework of the Judicial Authority lies in the high level of flexibility in dealing with the new developments, the constitutional amendments and the comprehensive reform movement the Judicial Authority is currently witnessing, as well as other points of strength:

- Confirmation by the Jordanian Constitution of the individual independence of the judge and that judges are independent and not subject to any authority except that of the law
- The existence of a Judicial Council that represents the Judicial Authority that is independent from the executive and legislative branches, and which oversees the affairs of judges in terms of appointment, duties, promotion, transfer, secondment, resignation and trial and discipline
- Work is underway for the issuance of an Administrative Justice Law that includes the establishment of a two-level administrative judiciary
- Development of an amended Administrative Units Regulation

2.2 Weaknesses in Relation to the Legislative Framework

Following are the key weaknesses that were identified in relation to the legislation that governs the judiciary and its institutions:

- Existence of legislation that affect the personal independence of judges
- Laws and legislation that regulate the operations of courts are not conducive to improving its functions
- Lack of a law specific to the public prosecution
- Legislation governing the work of judicial inspection is not in line with the role required of it
- Absence of specialization among public prosecution judges
- There is a need for developing the legislation that regulates the work of the prosecution body
- Weak coordination and collaboration between the public prosecution, security apparatuses and relevant state institutions
- There is a need for enhancing the law governing the promotion of judges in order to improve their performance
- Legislation related to litigation procedures do not support the expedited settlement of cases
- Weak legislation and legal text that regulates the notifications system causes delay in case resolution
- Legislation related to alternative dispute resolution were not developed
- Lack of clarity with regard to the concept of “fair trial guarantees”
- Revision of legislation to become congruent with international human rights agreements

The results of the Courts Needs Assessment study that was conducted among Chief Judges reveal the need to amend the following laws:

- Enforcement Law
- Civil Procedures Code
- Criminal Procedures Code
- Conciliation Courts Law
- Judicial Independence Law
- Penal Code
- Trade Law
- Mediation Law
- Evidence Law
- Maritime Trade Law
- General Sales Tax Law
- Procedures Code for Tax Cases
- Customs Act
- Juvenile Law
- Correctional Facilities and Rehabilitation Centers Law

2.3 Opportunities and Threats in Relation to the Legislative Framework

A number of opportunities related to advancing and developing the legislation governing the judiciary were identified. The most important of these opportunities relates to the presence of

political will, flexibility and freedom in keeping pace with developments taking place domestically, regionally and internationally, whereby the supportive vision of His Majesty to the enactment of legislation to improve the performance of the judiciary and the establishment of justice, is considered a strong incentive to accelerate the updating of legislation; this is evidenced by the constitutional amendments, the development of the Administrative Judiciary such that it would become litigated on two levels. The main challenges are:

- The presence of legislation that limits the individual independence of judges
- Transfer the Judicial Inspection and the Judicial Institute of Jordan to the Judicial Council from the Ministry of Justice
- Ability of legislation to reflect the vision of His Majesty and stay abreast of international standards related to the independence of the judicial authority and its institutions, the individual independence of judges, and human rights standards

3. Key Issues and the Strategic Pillar Within the Strategic Plan that Address it

Strategic issue No. 1: How can the Judicial Authority issue legislation that enhances its institutional independence and provide a favorable environment to support the individual independence of judges?

The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions

Strategic issue No. 2: How can the Judicial Authority contribute to the enactment of legislation that enhances the capacity of the Judicial Inspection body and develop its work methodology?

The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions

Strategic issue No. 3: How can the Judicial Authority contribute to the enactment of legislation that enhance the capacity of the Judicial Institute of Jordan and improve its outputs?

The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions

Strategic issue No. 4: How can the judicial authority contribute to the enactment of legislation that enable and enhance the role of the Administrative Units and promote their development in order to support the functions of the Judicial Council?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions

Strategic issue No. 5: How can the Judicial Authority contribute to the enactment of legislation that enable and enhance the State Lawyer Department?

The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions

Strategic issue No. 6: How can the Judicial Authority contribute to the enactment of legislation that guarantees the reduction of litigation duration, the speedy enforcement of closed cases, and promotes public confidence?

The strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence

Strategic issue No. 7: How can the Judicial Authority contribute to the enactment of legislation that reduces court caseload and improves its performance?

The strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence

Strategic issue No. 8: How can the Judicial Authority contribute to the updating of legislation that regulate the work of the public prosecution and criminal litigation procedures?

The strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria

Third: Diagnostic Assessment of the Institutional Framework of the Judicial Authority:

The institutional framework analysis included defining the status quo related to the institutional framework under which the Judicial Authority functions, identifying areas of strength, weakness, opportunities and threats to identify the institutional needs pertinent to the work of the Judicial Authority and work on building and developing them. In this regard, the strategic issues, which the Strategic Plan will address, will also be defined.

1. Description of the Status Quo of the Judicial Authority's Institutional Framework

The Judicial Authority is considered one of the three State powers, alongside the legislative and executive powers. Its functions are considered complementary to national efforts carried out by each of the legislative and executive powers. The Judicial Authority carries out its duties through an institutional structure that is comprised of:

1. Regular Court
2. Judicial Council
3. Judicial Inspection Body
4. Public Prosecution
5. State Lawyer Department
6. Technical Office at the Court of Cassation
7. Judicial Institute of Jordan
8. Judicial Council Administrative Units

1.1 Regular Courts

Regular courts in the Hashemite Kingdom of Jordan exercise the right to try all persons in all civil and criminal matters, with the exception of matters falling under the jurisdiction of religious court (tribunals) or special courts, according to the provisions of other laws.

Regular courts include first level courts (Conciliation and First Instance), second level courts, which are the Amman, Irbid and Maan Appeals Courts, and the Court of Cassation, which is the top echelon of the judiciary. Administrative justice is currently carried out by the Court of Higher Justice. There are other courts as well, including the Major Felonies Court, the Income Tax First Instance and Appeals Courts, the Customs First Instance and Appeals Courts, the Lands and Water Settlement Court, and others.

1.2 Judicial Council

The Judicial Council manages all affairs related to regular judges. It has general oversight over them in terms of appointment, transfer, secondment, promotion, retirement, acceptance of resignation and termination of judicial appointment and the imposition of disciplinary measures. The organizational structure of the Judicial Council is comprised of:

1.2.1 Judges Affairs Unit

The Judges Affairs Unit handles the following tasks:

- Implement decisions related to judges' appointment, promotion, transfer, secondment, granting of vacation time, disciplinary decisions taken in their account, termination or ending of their services and following up on related personnel issues and administrative procedures
- Make available administrative support services to judges

1.2.2 Training and Specialization Unit

The Training and Specialization Unit handles the following tasks:

- Propose training needs of judges, organize and follow-up on courses for judges, organize measures pertinent to their research in accordance with current legislation
- Organize training programs, courses and activities and ensure the readiness of training venues and relevant requirements for implementing the programs, including training materials and publications
- Follow-up on matters related to scientific scholarships for judges
- Prepare information and conduct necessary studies related to the specialization of judges in civil and criminal chambers in accordance to current legislation

1.2.3 Planning and Development Unit

The Planning and Development Unit handles the following tasks:

- Prepare the Annual Plan of the Council and its units and supervise its implementation after the Council's endorsement
- Contribute to the development of work plans and programs necessary for the development of the operations of courts and public prosecution
- Prepare the Annual Courts Report
- Manage, sustain and update the Council's electronic website

1.2.4 Office of the Chief Justice

1.2.5 Judicial Council's Secretariat

The Chief shall name, from among Council staff, a secretary responsible for:

- Preparing the agenda for the Council's sessions
- Inviting Council members and informing them of session dates
- Preparing Council decisions and having them signed by the Chief and attending members before recording them in a special registry after which it is filed and archived
- Documenting all records related to the Council and its work
- Any duties assigned to him / her by the Chief

The Council, upon the recommendation of the Chief, may second any judge to carry out the director duties of any of the units, either full time or in addition to his/her assigned duties

1.3 Judicial Inspection Body

The Judicial Inspection body is under the Ministry of Justice, where the Judicial Inspection Directorate was established. The Judicial Inspection is comprised of the Chief Inspector and a number of inspectors. The Chief Inspector is appointed pursuant to the decision of the Judicial Council and Royal decree. The Chief Inspector is appointed from among higher-level judges. He/she is the direct administrative supervisor of the directorate's inspectors and staff. Inspectors are appointed by a decision of the Judicial Council and are selected from judges whose rank is not less than second level, for a period of three years, subject to renewal. The services of any inspector cannot be terminated nor can he/she be retired, subjected to early retirement, transfer, or secondment unless upon his/her request, based upon the recommendation of the Chief Inspector. The Chief Inspector submits Directorate reports, and that of the inspectors, relating to Judicial Inspection reports over judges, judicial assistants and the affairs of courts and the public prosecution, to both the Chief Justice and the Minister of Justice.

The Judicial Inspection Directorate handles the following functions:

1. Inspect the work of judges, members of the prosecution body, State Lawyer assistants, and Execution Judges, with the exception of higher-level judges
2. Evaluate judges' work in terms of the proper application of the law, the fulfillment of litigation, and evidentiary procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, and determination of the annual clearance rate of each judge

3. Inspect the work of public prosecution departments, execution departments, the State Lawyer Department, notary public departments and court staff
4. Review and investigate complaints filed against judges

1.4 Public Prosecution

The public prosecution body is comprised of the Prosecutor General, Attorney Generals and Public Prosecutors. A judge holding the title of Prosecutor General is appointed at the Court of Cassation and performs the functions of the Prosecutor General before the Court of Cassation. In addition, at each Court of Appeal, a judge holding the title of Attorney General is appointed and exercises all the powers granted to him/her in the Criminal Procedures Code and other laws. For each of the Chief Attorney General and the Prosecutor General, there are assistants who have all powers conferred upon them. Furthermore, in each First Instance Court, at least one judge holds the title of Public Prosecutor and it is possible to appoint a Public Prosecutor to any Conciliation Court.

Representatives of the public prosecution body handle the filing of criminal cases and follow-up on them as outlined in the Criminal Procedures Code and other laws.

All members and staff of the public prosecution apparatus within the Appeals and First Instance levels fall under the Attorney General and are tasked to implement his/her orders and the orders of the Minister of Justice in their administrative affairs, the filing of cases, and all follow up. Additionally, all of them are accountable before the Prosecutor General and are linked to the Minister of Justice within the hierarchy of said levels. All judicial staff are subject to the supervision of the Prosecutor General and his/her designees with respect to their judicial functions.

1.5 State Lawyer Department

The Judicial Council, upon the nomination of the Minister of Justice, appoints one senior level judge as the State Lawyer. In addition, the Judicial Council assigns a number of judges as his/her assistants.

The State Lawyers and his/her assistants, who are either hired or appointed according to the provisions of this law, represent the state in all civil cases related to the treasury, cases filed by the state or against it.

The State Lawyer and his/her assistants are administratively linked to the Minister of Justice; the State Lawyer is the direct supervisor of his/her assistants and clerks that are assigned to the department.

The State Lawyer may assign any of his/her assistants to represent the government before courts either on a full or part time basis. If needed, he/she may, upon the approval of the Minister of Justice, assign on his/her behalf any of the Public Prosecutor or Attorney General assistants to appear before the courts.

The State Lawyer provides a monthly report to each of the Minister of Justice and the Minister of Finance on the progress of cases in which he/she represents the government as well as the judgments he/she is executing. In addition, the state Lawyer provides an Annual Report at the end of December of each year to the Minister of Justice who, in turn, submits it to the Chief Justice.

1.6 Technical Office at the Court of Cassation

A Technical Office is established at the Court of Cassation to provide legal, technical and administrative support to the Court of Cassation. The Technical Office is managed by a senior-level judge, seconded by the Judicial Council either in addition to his/her judicial work or on full-time basis. The appointment of the Technical Office director shall be based on the nomination of the Chief Justice and for a renewable period of four years. The director is assisted by a number of judges seconded by the Judicial Council, upon the nomination of the director, for a period of two years that can be renewed. The most senior judge of the aforementioned judges is the deputy director and carries out the director's duties during his/her absence.

The administrative staff of the Technical Office shall be Ministry of Justice employees assigned by the Minister of Justice for this purpose. The Technical Office performs the following functions:

1. Provide the legal, technical and administrative support to the Court of Cassation. This includes the classification of cases and motions filed before it and their distribution among judicial chambers according to specialization. Its function also includes the provision of judicial chambers with the needed legislation, past judgments and precedents related to each case, according to its type and subject matter, as well as any legal studies and research it may need.
2. Draw legal principles based on decisions and judgments issued by the Court of Cassation, classify them, and undertake necessary measures to facilitate their publication.
3. Analyze judicial precedents and provide the necessary studies and opinions to the President of the Court of Cassation, which would contribute to the establishment of legal principles
4. Provide courts with the legislation and legal precedents that the Director deems necessary to be disseminated
5. Any other functions or tasks assigned by the Judicial Council or the President of the Cassation Court

1.7 Judicial Institute of Jordan

A board of directors that is chaired by the Minister of Justice and includes the membership of each of the following members supervises the Judicial Institute of Jordan:

1. Chief Judge of the Court of Higher Justice/Deputy Chairperson
2. Chief Attorney General
3. Secretary General of the Ministry of Justice
4. Judicial Institute of Jordan Director
5. Two judges of not less than “special” rank, appointed by the Judicial Council upon the nomination of the Minister of Justice for a period of two years subject to renewal. During this period, it is possible to replace any of them by appointing a replacement through the same manner to complete the membership term.
6. President of the Jordanian Bar Association
7. Two members from the faculty of official Jordanian universities, each holding a rank not less than Associate Professor in Law, appointed by the Minister of Justice for a period of two years subject to renewal, in coordination with the President of the concerned university. The Minister may, during that period, appoint a replacement in the same way for the remainder of his/her board membership term.

A judge, seconded by the Judicial Council upon the nomination of the Minister of Justice, handles the management of the Institute. Said judge should have spent a period not less than 20 years in judicial service, or in judicial service and in practicing law collectively; the term of his/her service is for two years, subject to renewal. The director’s tenure ends upon the expiry of his/her secondment, or by the secondment of a replacement. A deputy director exercises the director’s powers during his/her absence.

The Judicial Institute of Jordan aims at achieving the following:

1. Prepare qualified candidates to take on judicial functions
2. Enhance the competence of judges and court staff and build their scientific research skills through training courses organized by the Institute for this purpose
3. Exchange expertise and cooperation with similar institutes in the Arab region and in foreign countries
4. Encourage cooperation with Arab and foreign entities in the fields of judicial work

To achieve the above, the Institute undertakes the following functions:

1. Offer preparatory (non-academic) programs for BA holders in law, and provides candidates who pass the program a diploma certificate from the Judicial Institute of Jordan. It also offers any other preparatory training programs that are necessary for assuming judicial posts.
2. Hold continuing legal education trainings, seminars and workshops targeting judges, staffs and those seconded to study at the Judicial Institute.

3. The Judicial Institute also offers a non-academic, one-year preparatory program for non-lawyers who hold, at a minimum, a first university degree, to prepare qualified candidates to assume legal positions at the Ministry. Candidates passing the program are granted a paralegal certificate. The Minister, upon the recommendation of the Scientific Committee, shall issue the necessary instructions to determine admission criteria and conditions for granting the certificate, provided that the criteria include the passing of the admissions test.

2. Strengths and Weakness in Relation to the Judicial Authority's Institutional Framework

Key areas of weakness, in relation to the institutional framework, pertain to the attachment of a number of institutions which should fall under the Judicial Council, to the Ministry of Justice. There is weakness in some of the legislation and regulations governing the work of some institutions, particularly the Judicial Independence Law, and the weakness of the infrastructure and facilities of several institutions. The main areas of strengths pertaining to the institutional framework are adequate flexibility and the political will towards reform, evidenced by recent constitutional amendments. Following, are the main areas of strengths, weakness, opportunities and threats:

2.1 Regular Courts

The results of the status-quo analysis regarding regular courts reveal that major strengths are related to a strategic plan that reflects, in its pillars and objectives, its concern with the development of court operations and the enhancement of their performance in various areas related to infrastructure, facilities, reduction of judges' work load, and improvement of services offered to the public. Following are the main areas of strengths and weaknesses related to regular courts:

2.1.1 Strengths

- Availability of judicial specialization at some courts
- Availability of the Judicial Code of Conduct
- Availability of mediation departments as an alternative disputes resolution mechanism
- Separation of civil and criminal judges in First Instance, Appeals and Cassation Courts
- Adaleh (legal research database) program
- Availability of a legal references library at the Palace of Justice
- The MIZAN application and the document archiving system
- Presence of information signs for the public at some courts
- Good public services at some courts
- Availability of media and awareness building strategy adopted by the Judicial Council's Administrative Units
- Existence of training and preparatory programs for Administrative Units staff

2.1.2 Weakness

- Case processing procedures are not unified across all courts
- Civil case management is weak

- Weak development and enhancement plans for the Notary Public Department, the non-conviction certification departments, notifications departments, information services and coordination officers at courts
- Shortage of judges
- Variations among the courts in the procedures adopted and the level of services provided to the public
- Absence of technical offices at the Courts of Appeal
- Weak training programs targeting enforcement department staff
- Absence of clear criteria for the promotion of judges from the First Instance to the Appeals and the Cassation levels that are based on competence and objective criteria
- Absence of accurate and effective criteria for the selection of qualified and experienced Execution Department staff
- The principle of judicial specialization is not adopted in all courts
- Shortage of qualified staff in support functions
- Weak technology related to information flow and document archiving
- The establishing and equipping of mediation departments in all First Instance courts in Jordan has not been completed
- Limited number of awareness programs on the importance of mediation
- Absence of the necessary infrastructure and technical means at Conciliation courts
- Weakness in the method and ways of appointing State Lawyer assistants
- Lack in the number of judges at the Technical Office
- Weak information and poor document exchange/communication channels among court departments and sections
- The lack of public information signs at some courts

2.2 Judicial Council

The results of the status-quo analysis of the Judicial Council revealed support for and high adaptability to change and staying abreast with the comprehensive reform movement witnessed by the Kingdom, including the constitutional reforms and the ability to make the right decision at the appropriate time.

2.2.1 Strengths

- Constitutional amendments
- Coherence and shared vision among Judicial Council members
- The high competence and longstanding experience of the Chief Justice and Judicial Council members helps to manage the Judicial Authority effectively and ably
- The effective and flexible communication among Judicial Council members and the judges
- Wide scope of authority in managing judges' affairs and controlling/ monitoring their performance
- A website for communication and knowledge transfer

2.2.2 Weakness

- Weak implementation and follow up of Strategic Plans programs
- Absence of a mechanism for publishing reports on outstanding performance of judges to provide them and others with incentive
- Lack of general policies that guarantee job stability in the judiciary
- Weak method of management that is based on studies and research
- Weak application of good governance principles and quality assurance systems

2.3 Judicial Inspection

Key areas of strengths of the Judicial Inspection system relates to its high qualifications, experience and integrity which guarantees accuracy in judging the performance of judges. As for the main weaknesses of the Judicial Inspection system, they relate to its attachment to the Ministry of Justice, weak compliance with the endorsed inspection criteria, and that inspectors do not reach all courts or all judges that are subject to inspection. Following are the Judicial Inspection's primary areas of strengths and weaknesses:

2.3.1 Strengths

- The high level of competence, experience and integrity among members of the Judicial Inspection body which guarantees accuracy in judging performance
- Availability of an automated system that assists inspectors with their functions over the work of judges
- The presence of criteria that governs the work of the Judicial Inspection body and based on performance assessment

2.3.2 Weakness

- The location of the Judicial Inspection Directorate within the Ministry of Justice
- Weak monitoring and accountability measures
- There is no full compliance among the Judicial Inspection body with the endorsed Judicial Inspection criteria covering the legal and behavioral aspects of judges
- Lack of specialization in the Judicial Inspection function
- Weak judicial inspection criteria
- Weakness in the qualifications and expertise of some inspectors
- Shortage in the number qualified inspectors
- The limited scope, mandate and authority of the judicial inspection
- Low number of periodic and surprise field visits to inspect judges and courts
- Judicial Inspection is only linked to promotion
- No accountability departments assess the work of registrar offices at courts
- Absence of monitoring, by the Courts of Appeal, over the work of First Instance courts
- The Chief Judge has no role in the performance evaluation of judges
- Weak facilities support the work of the Judicial Inspection
- Weak application of the Judicial Code of Conduct
- Electronic monitoring and periodic review of case results, in terms of new cases, cleared cases and pending caseload, is not activated

2.4 Public Prosecution

The status-quo analysis of the Public Prosecution reveals that the main areas of strengths relate to the competence and high knowledge of Public Prosecutors in the substantive and procedural aspects of criminal law, and the ability to foresee the problems emerging during the proceedings. With respect to weaknesses, the main areas pertain to the shortage of the number of staff working in the Attorney General's Office, not keeping pace with the increasing workload, and weak planning and time management at prosecution offices in relation to the workload they are witnessing. Following are the areas of strengths and weakness relating to the Public Prosecution:

2.4.1 Strengths

- High knowledge of Public Prosecution members in the substantive and procedural aspects of criminal law
- Effective cooperation between members of the Public Prosecution and courts
- The position of Public Prosecutor is held by a judge as opposed to an administrator

2.4.2 Weakness

- Shortage in the number of Public Prosecutors
- Weak infrastructure
- There are no clear rules or basis for the selection of Attorney General (Prosecution) judges
- Low number of training programs targeting Public Prosecutors
- Specialization within the Prosecution body is not implemented
- Absence of judicial police
- The administrative accountability of Public Prosecutors to the Ministry of Justice
- Weak cooperation and coordination programs between the Public Prosecution and relevant stakeholders
- Weak and ineffective relations between the Public Prosecution and the police departments, judicial enforcement and rehabilitation and correctional facilities

2.5 State Lawyer Department

The main areas of strength in relation to the State Lawyer Department is the commitment of all ministries, departments and official public sector institutions' staff to cooperate fully with the State Lawyer in the course of his/her work and duties entrusted to him/her by law, and to provide the State Lawyer with all information and documents that he/she may request. In terms of the key weakness, there is no specified or established duration of service for State Lawyers. A controversial point, which some consider as a weakness, is that judges occupy the state lawyer post. There are several strengths and weakness in this regard, which are:

2.5.1 Strengths

- Qualified judges work at the State Lawyer Department

2.5.2 Weakness

- Absence of clear criteria for the selection of State Lawyers
- Weak appointment mechanism of State Lawyer assistants
- Lack of legal resources and references
- Unsustainable tenure of the work of State Lawyers

2.6 Technical Office at the Court of Cassation

2.6.1 Strengths

- Qualified judges are assigned to the Technical Office

2.6.2 Weakness

- Shortage in the number of judges working at the Technical Office
- Shortage of support staff at the Technical Office
- Shortage of legal resources and references

2.7 Judicial Institute of Jordan

The main weakness related to the Judicial Institute of Jordan is its attachment to the Ministry of Justice instead of the Judicial Council. As for the areas of strength, they relate to the diversity and variety of training programs carried out by it, including the judicial studies diploma programs and the continuing legal education programs. In addition, it offers a one-year paralegal preparatory program targeting candidates with no legal background in order to qualify them to assume legal functions at the Ministry of Justice. Following are the main areas of strengths and weaknesses:

2.7.1 Strengths

- Continuous attraction of candidates with exceptional qualifications to study at the Judicial Institute of Jordan
- Existence of preparatory and continuing education programs that are taught at the Institute
- Existence of a study plan
- Judges participate in teaching students at the Judicial Institute of Jordan

2.7.2 Weakness

- The Judicial Institute of Jordan falls under the ambit of the Ministry of Justice
- Weak infrastructure of the Judicial Institute of Jordan
- Incompatibility between the training course and the career path for both judges and staff
- Training programs are weak in terms of meeting the training needs of judges and staff
- Absence of clear standards and criteria for the selection of judges to train at the Judicial Institute of Jordan
- Absence of a clear, structured and comprehensive training manual
- Absence of a training plan with a timeline that is endorsed by chief judges
- Weak effectiveness of the Institute's training plan and little emphasis on the practical aspect of training
- Absence of accurate and effective basis and criteria for selecting candidates to enroll at the Judicial Institute
- Lack of implementation of seminars and lectures inside courts on court operations and their importance and uniqueness
- Lack of specialized training courses on amended laws
- Lack of training programs focused on developing and enhancing the capacity of support staff at courts
- Lack of technical courses in specialized areas
- Weak integration of judges in teaching at law faculties in Jordanian universities

2.8 Judicial Council Administrative Units

A main weakness related to the work of Administrative Units pertains to the poor coordination among the units themselves. Furthermore, the Administrative Unit employees are not assigned to the Units on fulltime basis, and the Units' location is distant from the Judicial Council which is based in the Court of Cassation building. This adversely affects coordination with the Council. As for strengths, they relate to the presence of a clear and endorsed work plan that is used as a base for its operations and work. In addition, there are other points of strengths and weaknesses that are outlined below:

2.8.1 Strengths

- The existence of preparatory and development training programs for Administrative Units staff
- The objective and transparent methodology adopted by the Administrative Units in selecting judges for participating in workshops and seminars
- The existence of an automated system for the Judges Affairs Unit

2.8.2 Weakness

- Lack of technical and qualified judicial personnel in the Administrative Units
- Weak training programs targeting Administrative Units staff in all topics
- The Administrative Units are not connected to the “Judges Affairs Automated System”
- The judges affairs system currently in place is not adaptable to development
- Lack of exchange programs with advanced countries in this area
- Weak awareness among judges of the role of Administrative Units within the Judicial Authority

3. Opportunities and Threats in Relation to the Judicial Authority’s Legislative and Institutional Framework

The opportunities available for developing the judiciary, enhancing its performance and instilling institutional and legislative independence of the judiciary and the individual independence of the judge are enormous and on solid ground. The main opportunity relates to His Majesty’s vision for supporting the Judicial Authority and advancing its performance according to latest standards, as the guardian of justice and complementary to national efforts towards comprehensive reform, including constitutional amendments and sustainable development. In addition, the pursuit of establishing the independence of the judiciary opens wide horizons towards efficient justice under a rule of law state, because if justice is the basis of governance, the independence of the judiciary is the foundation of justice.

As for the challenges facing the Judicial Authority, they are numerous and keep surfacing. This is a result of the technological and informational development and the emergence of economic, financial, political and social complexities that require new legislation that keep up with the complexities. This requires judicial specialization and specialized judges capable of resolving specialized cases brought before them. Following are the opportunities and threats facing the judiciary:

3.1 Opportunities in Relation to the Legislative and Institutional Frameworks

- The constitutional amendments that emphasize the independence of the Judicial Authority
- His Majesty’s vision for completing the independence of the Judicial Authority in all its resources and operations

- Amending relevant legislation in a manner consistent with the independence requirements of the Judicial Authority
- Enhanced awareness of the importance of the justice sector and its main functions and services
- Presence of a conducive national environment for increasing effective communication between the judicial authority and its institutions and the other relevant government entities whose work is related to that of the judiciary
- Presence of a favorable environment for communicating and working with the Jordanian Bar Association to advance the legal profession in Jordan
- The potential for collaborating with the different media to implement legal education and awareness programs and highlight the role of the Judicial Authority and the rule of law and underline the role of the judiciary in building and developing the Jordanian society
- Benefit from advanced Arab and international experiences in the development of court operations and potentials
- Availability of donor agencies

3.2 Threats in Relation to the Legislative and Institutional Frameworks

- The budget and resources of the Judicial Authority fall under the ambit of the Ministry of Justice
- The appointment and management of the support staff at courts are under the Ministry of Justice
- Infrastructure development and management are part of the Ministry of Justice functions
- Judicial inspection is under the Ministry of Justice
- Members of the public prosecution service are administratively linked to the Ministry of Justice
- The Judicial Institute of Jordan is linked to the Ministry of Justice
- Weak awareness among civil society and the public of the role of the Judicial Authority and the concept of the rule of law

4. Key Issues and the Strategic Pillar within the Strategic Plan

Strategic issue No. 1: How can the Judicial Authority enhance institutional independence and provide a favorable environment to support the individual independence of judges?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions

Strategic issue No. 2: How can the Judicial Authority enhance the capacity of the Judicial Inspection body and develop its methodology of work?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions

Strategic issue No. 3: How can the Judicial Authority enhance the capacity of the Judicial Institute of Jordan and improve its outputs?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions

Strategic issue No. 4: How can the Judicial Authority enhance the role of the administrative units and promote their development in order to support the functions of the Judicial Council?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions

Strategic issue No. 5: How can the Judicial Authority enhance the State Lawyer Department and the Technical Office?

The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions

Strategic issue No. 6: How can the Judicial Authority ensure the reduction of litigation duration and the speedy enforcement of closed cases and which promote public confidence?

The Strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence

Strategic issue No. 7: How can the Judicial Authority reduce the caseload on courts and improve its performance?

The Strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence

Strategic issue No. 8: How can the Judicial Authority contribute to enhancing the capacities, skills and knowledge of judges and support staff?

The first strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence

The second strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice

Strategic issue No. 9: How can the Judicial Authority institutionalize its relations with other state entities that have direct relevance to its work?

The first strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria

The second strategic pillar addressing it: Enhance Communication Channels between the Judicial Authority and Other Institutions

Strategic issue No. 10: How can the Judicial Authority enhance the capacity of the public prosecution and develop the criminal justice system?

The Strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria

Strategic issue No. 11: How can the Judicial Authority coordinate the relationship with the Ministry of Justice in relation to the components of the internal environment in a way that is in line with the vision and mission of the judiciary?

The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice

Strategic issue No. 12: How can the Judicial Authority ensure the implementation and follow-up of Strategic Plans of the judiciary and that of the Ministry of Justice and the development of services extended to the public?

The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice

Strategic issue No. 13: How can the Judicial Authority enhance cooperation and coordination with civil society organizations to achieve the vision and mission of the Judicial Authority?

The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice

Strategic issue No. 14: How can the Judicial Authority activate and develop relations with media institutions to realize the vision and mission of the Judicial Authority?

The Strategic pillar addressing it: Enhance Communication Channels between the Judicial Authority and Other Institutions

Strategic issue No. 15: How can the Judicial Authority contribute in facilitating access to justice by the public?

The Strategic pillar addressing it: Contribute in Building Public Confidence in the Rule of Law

Strategic issue No. 16: How can the Judicial Authority contribute towards raising public awareness about its role and judicial development efforts as well as the basic rights and duties of citizens and their equality before the law under a rule of law state?

The Strategic pillar addressing it: Contribute in Building Public Confidence in the Rule of Law

Chapter 2

Vision, mission, pillars, objectives and activities of the Judicial Authority Strategic plan for the Years 2012 – 2014

Vision, mission, pillars, objectives and activities of the Judicial Authority Strategic Plan for the years 2012 – 2014

The methodology for developing the Strategic Plan was built such that it would be in line with the constitutional amendments and embodies the vision of His Majesty towards an independent Judicial Authority. It was also based on the principle of collaboration and partnership in decision making related to the vision and mission of the Judicial Authority, as well as the linking of strategic objectives with the aspirations and goals of decision makers within the judiciary and their areas focus in relation to defining the strategic tracks for the coming three years.

The outcome of activities carried out during the preparation of the Strategic Plan, was the endorsement of the vision, mission, pillars and key objectives of the Judicial Authority Strategic Plan by the highest levels within the Judicial Authority as follows:

- **Judiciary's Vision for the Strategy of Building (2012 - 2014)**

The vision was drafted to be consistent with the vision of His Majesty towards an independent judiciary, and to meet the future aspirations of decision makers within the judiciary which takes into account complementarity between the Strategic Plan components. These include the vision and mission on one hand and the strategic pillars and objectives on the other.

Vision: “An independent judicial authority that safeguards justice, complements national efforts and enhances public confidence.”

Following are the key features of the Strategic Vision of the judiciary:

1. The vision emphasizes the independence of the judiciary as one of the three branches of the state and on equal footing with the both the executive and the legislative powers. The independence of the Judicial Authority and the balanced separation of powers are closely linked to the issue of justice and the rule of law in the society and is considered the safety valve of litigants. The relation between judicial independence and justice (the guardian of justice) is inseparable.
2. The vision of the Judicial Authority defined the complementary relationship between judicial development, judicial independence and the embracing of justice for all principles consistent with national economic reform efforts; increased competitiveness of national economy; integrated development, and the advancement of Jordan as a rule of law country which ensures investors of the quality of its judicial system.
3. The vision also focused on the importance of gaining public confidence in the judiciary and accounting for public opinion. This requires the continuous monitoring of its trends

vis-à-vis the judiciary, its justice, its speedy resolution of cases and the granting of all their rights within a rule of law state.

- **Judiciary's Mission for the Strategy of Building (2012-2014)**

The mission of the Judicial Authority included the enhancement of the performance level of courts through a competent and independent institutional framework and qualified and specialized cadres which would support judicial independence and integrity. A judicial system that delivers justice in a highly effective and timely manner establishes a basis for public confidence and the respect for the rule of law.

Mission: A fair, impartial, competent, effective and outstanding judicial authority, trusted by the society and is the guarantor of rights and freedoms, founded on the rule of law and complementarily with the state's powers, supporting reform and integrated development efforts through an institutional framework and qualified and specialized human resources.

Attributes of the Judicial Authority's mission:

1. Emphasis on the principle of the rule of law, the timely disposition of cases, resorting to law in the resolution of disputes, guaranteeing the rights and freedoms of individuals, and enhancing public confidence in the fairness and integrity of the Judicial Authority.
2. Complementarity of work between the state entities and the Judicial Authority in support of reform and integrated development efforts.
3. The Judicial Authority's vision and mission is implemented through its institutions and qualified and specialized human resources.

- **Pillars and Main Objectives under Each Pillar of the Judicial Authority Strategic Plan for the Years 2012 - 2014**

Based on the study and review of the status quo of the judiciary through the SWOT analysis, the areas of strengths, weakness and threats that faced the judiciary during its long course, which is rich with achievements, were identified. Furthermore, the opportunities available to it to develop and stay abreast of the fast changes and new developments in laws governing economic, political and social life and the constitutional reform movement the country is witnessing were also examined.

Six pillars were endorsed as the main goals of "the building of the judicial authority strategy" for the coming three years (2012 - 2015) such that they would be complementary to the vision and mission, translate His Majesty's vision for an independent judiciary, and respond to the legislative and institutional requirements of an independent Judicial Authority. A number of objectives emanated from each pillar as follows: